

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Interim Chief Executive
Adrian Stanfield LL.B (Hons)

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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Democratic Services
committee.services@tmbc.co.uk

16 January 2024

To: MEMBERS OF THE GENERAL PURPOSES COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the General Purposes Committee to be held in the Council Chamber, Gibson Drive, Kings Hill on Wednesday, 24th January, 2024 commencing at 7.30 pm.

Members of the Committee are required to attend in person. Other Members may attend in person or participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

ADRIAN STANFIELD

Interim Chief Executive

A G E N D A

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PART 1 - PUBLIC

2. Apologies for absence

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4. Declarations of interest 11 - 12

Members are reminded of their obligation under the Council's Code of Conduct to disclose any Disclosable Pecuniary Interests and Other Significant Interests in any matter(s) to be considered or being considered at the meeting. These are explained in the Code of Conduct on the Council's website at [Code of conduct for members – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk/code-of-conduct-for-members).

Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting.

5. Minutes 13 - 16

To confirm as a correct record the Minutes of the meeting of General Purposes Committee held on 11 October 2023.

Matters for Recommendation to the Council

6. Localism Act - Pay Policy 17 - 26

The report summarises the requirements of the Localism Act and presents an updated Pay Policy Statement 2024/25, attached at Annex 1, for Members to consider and commend for adoption at the next full Council meeting.

Decisions to be taken under Delegated Powers

7. Pay Award 2024/25 27 - 46

This report provides Members with a variety of options to consider in determining the pay award for employees for 2024/25.

8. Review of Whistleblowing Policy 47 - 76

This report informs Members of the outcome of the review of the Borough Council's Whistleblowing Policy.

9. Review of Polling Districts and Polling Places 77 - 94

Following public consultation as part of the review of the Polling Districts and Places, this report details the final proposals for the new constituency structure and the Polling Districts/Places/Stations under the new Constituency arrangements.

10. Urgent Items 95 - 96

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

Matters for consideration in Private

11. Exclusion of Press and Public 97 - 98

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

PART 2 - PRIVATE

Decisions to be taken under Delegated Powers

12. Establishment Report 99 - 142

(Reasons: LGA 1972 - Sch 12A Paragraph 1 and 2 – Information relating to an individual and information which is likely to reveal the identity of an individual)

This report sets out for Members' approval a number of establishment changes recommended by Management Team. Members should note that, in accordance with adopted conventions, all of the savings/costs referred to in this report reflect the salary at the top of the scale/grade plus associated on costs.

13. Urgent Items 143 - 144

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr M R Rhodes (Chair)
Cllr M A Coffin (Vice-Chair)

Cllr B Banks
Cllr K Barton
Cllr A G Bennison
Cllr J Clokey
Cllr D A S Davis

Cllr A McDermott
Cllr B A Parry
Cllr R V Roud
Cllr K B Tanner

GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) Most of the Borough Council meetings are livestreamed, unless there is exempt or confidential business being discussed, giving residents the opportunity to see decision making in action. These can be watched via our YouTube channel. When it is not possible to livestream meetings they are recorded and uploaded as soon as possible:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxjAPfw/featured>

- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on committee.services@tmbc.gov.uk in the first instance.

Attendance:

- Members of the Committee are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chair, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.

- Members of the public addressing an Area Planning Committee should attend in person. However, arrangements to participate online can be considered in certain circumstances. Please contact committee.services@tmbc.gov.uk for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

Ground Rules:

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

Voting:

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

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General Purposes Committee

	Conservative	Liberal Democratic	Green	Ind. Kent Alliance	Labour
1	Robin Betts	David Thornewell	Lee Athwal		Paul Hickmott
2	Matt Boughton	Michelle Tatton	Anna Cope		Wayne Mallard
3	Robert Cannon	Anita Oakley	George Hines		
4	Des Keers	Frani Hoskins	Mark Hood		
5	Adem Mehmet	Garry Bridge	Robert Oliver		

Members of Cabinet cannot be appointed as a substitute to this Committee

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Wednesday, 11th October, 2023

Present: Cllr M R Rhodes (Chair), Cllr M A Coffin (Vice-Chair), Cllr B Banks, Cllr K Barton, Cllr A G Bennison, Cllr R I B Cannon (substitute), Cllr J Clokey, Cllr D A S Davis, Cllr B A Parry, Cllr R V Roud and Cllr K B Tanner.

In attendance: Councillors P M Hickmott and W E Palmer were also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillors D Keers and Mrs A S Oakley participated via MS Teams in accordance with Council Procedure Rule No 15.21.

An apology for absence was received from Councillor A McDermott.

PART 1 - PUBLIC

GP 23/27 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Cllr Cannon substituted for Cllr McDermott

In accordance with Council Procedure Rules 17.5 to 17.9 these Councillors had the same rights as the ordinary member of the committee for whom they were substituting.

GP 23/28 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

GP 23/29 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 3 July 2023 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS

GP 23/30 RECRUITMENT & RETENTION - MARKET SUPPLEMENT POLICY

The report of the Director of Central Services and Deputy Chief Executive presented a Market Supplement Policy for consideration. At the meeting of the General Purposes Committee on 3 July 2023, Members approved the use of market supplements and golden hello payments for specific hard to fill posts across the Planning Department.

This was in response to issues with the recruitment and retention of staff as well as the budgetary pressures linked to employing agency locum staff.

The Recruitment and Retention Market Supplement Policy was attached at Annex 1 to the report and set out the criteria for identifying posts which might require a market supplement and/or a golden hello payment. The draft policy further outlined the process and principles for agreeing a market supplement and/or a golden hello payment and the annual review process to determine whether payments should continue, be reduced or be removed.

Due regard was given to both the financial and non-financial considerations, legal implications, risk assessment and policy considerations.

During discussion an update was received on the recent recruitment campaign to recruit to a number of vacant posts across Planning Services. Due to the potential impact of market supplements on the MTFs, it was felt appropriate that any market supplement or golden hello payment be agreed by Management Team in consultation with the Chair of the General Purposes Committee and the Cabinet Member for Finance and Housing. Members requested that any market supplements be reported to the Committee for audit trail purposes.

RESOLVED: That the adoption of the Recruitment and Retention Market Supplement Policy, attached at Annex 1 to the report, be approved, subject to amendments to paragraphs 3.2 and 5.2 whereby the level of market supplement/golden hello payment 'will be agreed by Management Team (in consultation with the Chair of the General Purposes Committee and the Cabinet Member for Finance and Housing) following a report and recommendation from the Head of HR and Development, compiled in conjunction with the relevant service manager and director'.

GP 23/31 REQUEST FOR COMMUNITY GOVERNANCE REVIEW OF KINGS HILL PARISH COUNCIL SEAT NUMBERS

The Committee were advised that the request from Kings Hill Parish Council for a Community Governance Review, had been withdrawn.

GP 23/32 REVIEW OF POLLING DISTRICTS AND POLLING PLACES

Following receipt of the final recommendations for the Constituency arrangements, from the Boundary Commission for England, a Polling District and Polling Place Review needed to be undertaken to implement any necessary changes to Polling Districts/Places. It was noted that the changes had to be implemented in time for a pending Parliamentary Election.

RESOLVED: That the commencement of the review of Polling Districts and Polling Places be noted and agreed.

MATTERS FOR CONSIDERATION IN PRIVATE

GP 23/33 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS

GP 23/34 ESTABLISHMENT REPORT

(Reasons: LGA 1972 – Sch 12A Paragraph 1 – Information relating to an individual)

The report set out for Members' approval a number of establishment changes recommended by Management team. Members noted that, in accordance with adopted conventions, all of the savings/costs referred to in the report reflected the salary at the top of the scale/grade plus associated on costs.

RESOLVED: That

- (1) a further temporary allowance be paid for 12 months to the Head of IT for the continued undertaking of the duties required of the Senior Information Risk Owner with effect 1 October 2023 – 30 September 2024, be noted;
- (2) the changes in hours relating to the Housing Technical Officer posts DV0908 from 29.6 to 37 hours per week and the changes to the hours of post DV0915 from 22.2 hours to 14.8 hours per week, be noted;
- (3) a full time, fixed term scale 5/6, Housing Independent Domestic Violence Advisor (IDVA) fully funded post from the 'New Burden's' fund, be noted;
- (4) the new proposed Building Control Technical team establishment set out in Annex 3 of the report with effect from 1 December 2023, be approved;
- (5) post DJ0213, Building Control Technical Officer, scale 3/4, 29.5 hours per week with effect from 1 December 2023, be deleted;

- (6) a new Senior Technical Officer Building Control post, scale 5/6, 35.5 hours per week with effect from 1 December 2023, be created; and
- (7) the saving of £14,075 relating to the recent changes within the wider Building Control team to be ringfenced within the Planning salary budget, for a period of 12 months, be agreed.

The meeting ended at 7.57 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

24 January 2024

Report of the Interim Chief Executive

Part 1- Public

Matters for Recommendation to Council

1 LOCALISM ACT - PAY POLICY

1.1 Contents of the Pay Policy

- 1.1.1 Section 38(1) of the Localism Act 2011 requires English and Welsh local authorities to review their pay policy statement for each financial year. This report summarises the requirements of the Act and presents an updated Pay Policy Statement for 2024/25 in Annex 1.
- 1.1.2 Members will note that there have not been many significant changes in the Council's remuneration policy. The main addition to the policy is the introduction of the Recruitment & Retention Market Supplement Policy which was established in October 2023. The substantive content of the updated Pay Policy Statement in Annex 1 is nearly identical to the Council's first Pay Policy Statement (adopted by the Council on 16 February 2012).
- 1.1.3 The title "chief officer" includes both statutory and non-statutory chief officers and their deputies. Therefore, within the Pay Policy Statement set out in Annex 1, the information about the remuneration of chief officers pertains to the Establishment on 1 April 2023 and therefore includes the posts of the Chief Executive, the Council's four Directors as well as the senior officers that are directly accountable to these "chief officers".
- 1.1.4 The Act's definition of remuneration includes pay, charges, fees, allowances, benefits in kind, enhancement of pension entitlements and termination payments. All of these elements have been covered in the pay policy statement attached in Annex 1.
- 1.1.5 In order to provide a holistic and transparent context for the remuneration of chief officers and their deputies, the pay policy in Annex 1 provides an overview of the pay elements for all Council employees.

1.2 Legal Implications

- 1.2.1 The policy set out in Annex 1 contains all of the elements of a statutory pay policy as stipulated in section 38 (1) of the Localism Act 2011.

1.2.2 The attached pay policy is also compliant with Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England & Wales) Regulations 2006 and the Local Government Pension Scheme (Administration) Regulations 2008 & 2014.

1.2.3 The definition of the terms “chief officer” and “deputy chief officer” is in accordance with section 2 of the Local Government and Housing Act 1989.

1.3 Financial and Value for Money Considerations

1.3.1 As set out in Section A of the attached Pay Policy, the Council’s approach to setting a pay multiple is broadly calculated on a base salary multiple of 7.5 to 8 being the gap between the remuneration of the lowest and the most highly paid employees and is enshrined within the Council’s locally determined job benchmarking evaluation scheme. Such an approach places an emphasis on cash reward as the corner stone of the Council’s pay policy, and ensures that pay is based on job requirements.

1.4 Risk Assessment

1.4.1 The Council is legally obliged to comply with the Localism Act’s requirement to have reviewed the Pay Policy Statement by 31 March 2024.

1.5 Equality Impact Assessment

1.5.1 The Council is legally obliged to comply with the Localism Act’s requirement to have reviewed the Pay Policy Statement by 31 March 2024.

1.6 Policy Considerations

1.6.1 Pay Policy Statement.

1.7 Recommendations

1.7.1 It is recommended that this committee commends the pay policy in Annex 1 to this report for adoption at the Council meeting on 20 February 2024.

Background papers:

Nil

contact: Mathew Brooks
Head of Human Resources &
Development

Adrian Stanfield
Interim Chief Executive

Annex 1

Pay Policy Statement 2024/25

Introduction

When determining remuneration levels, the Council is mindful of the requirement to balance the needs of managing scarce public resources with the need to secure and retain high-quality employees. The Council aligns its reward strategy with organisational needs by an emphasis on cash rewards, and ensuring that pay is determined by job requirements. The Council aims to operate a consistent and equitable organisation-wide reward system by placing the responsibility for remuneration decisions with a committee of elected councillors, the General Purposes Committee, and the responsibility for administering the pay policy within the Council's Human Resources team.

Section 38 (1) of the Localism Act 2011 requires the council to prepare an annual pay policy statement for 2024/25. The Act specifies that the following must be included in the pay policy statement:

- the level and elements of remuneration for each chief officer
- the policy on the remuneration of chief officers on recruitment
- increases and additions to their remuneration including performance related pay, bonuses, charges, fees, allowances, benefits in kind and termination payments
- a definition of the "lowest paid employees" and the policy on the remuneration of this group
- the policy on the relationship between the remuneration of its chief officers and other officers
- the policy on re-employing someone who has been made redundant.

This statement will be published on the Council's website.

Section 1 – Remuneration of statutory and non-statutory Chief Officers and Deputy Chief Officers

The term "chief officer" within The Localism Act includes both statutory and non-statutory chief officers, and their deputies. The actual remuneration for these roles is available on the Council's website <https://www.tmbc.gov.uk/council/council-works-constitution/2>

The salary scales for the statutory and non-statutory Chief Officers and Deputy Chief Officers in post on 1 April 2023 is set out below.

No of chief officers	Grade	% of M2 benchmark	Pay Point Range
14 (1 of whom work part time)	M7	51.0%	131-134
10 (1 of whom work part time)	M6	56.0%	141- 144
5	M5	61.0%	147 - 150
6	M4	70.0%	151- 154
3	M2a	97.5%	181- 184
1	M2	100%	186-189
1	M1	125.0%	191- 194

Fee for acting as the Returning Officer

Tonbridge & Malling Borough Council is required to appoint a Returning Officer by virtue of section 35 of the Representation of the People Act 1983. In Tonbridge & Malling, the Chief Executive has been appointed as the Returning Officer. This is a personal appointment, separate from their other duties. In this capacity they are the Returning Officer for UK Parliamentary elections and elections to the Borough Council and to Parish Councils within this Borough.

The Returning Officer fee is payable for the substantial additional duties undertaken, and leadership required of the Returning Officer in planning, delivering and undertaking the elections, and recognises the personal nature and personal responsibility of the role of the Returning Officer.

For Borough and Parish Council elections, the Returning Officer fee is calculated in accordance with an agreed Kent Scale of Fees. For National, and Police & Crime Commissioner elections the fee rate is set by central government.

Section 2 – Remuneration of the lowest paid employees

In compliance with Section 38 of the Localism Act, for the purposes of this statement the “lowest paid employee” has been defined as those who are engaged as cleaners. On 1 April 2022 employees in these posts received a full time annual salary equivalent of approximately £20,226.

Section 3 – Decision on pay

The pay of all council employees (including chief officers) is determined by the evaluated grade of the post. The pay band for most jobs within the council (including chief officers) is very narrow, based on 3 or 4 incremental points.

Progression through the pay band is based on length of service, subject to the achievement of expected performance standards, and thus recognises development in a role over time based on the accumulation of experience and knowledge.

It is anticipated that during 2024/25 the total number of permanent and fixed term contract staff on the Council's payroll will be approximately 250 in any one month.

The Council has not adopted the national local government job evaluation or grading schemes but has developed a locally negotiated framework that more closely reflects its own requirements. Within this framework there are two remuneration "families". The first has been developed for the Council's professional and senior managerial cohorts, and includes chief officers. The second is for supervisory, technical and administrative staff.

All staff (including chief officers) are appointed to the organisation at the bottom of the grade, unless there are exceptional circumstances based on business need.

Annual Pay Award

The salary of all council employees (including chief officers) may increase annually by an annual pay award which is locally determined taking into consideration:

- "caps" on public sector pay rates set by the Government
- the council's ability to pay
- inflation levels
- the "going rate" of pay awards in neighbouring authorities and nationally
- recruitment and retention levels.

Section 4 – Pay structure and pay relationships.

The Code of Recommended Practice for Local Authorities on Data Transparency September 2011 requires that there is a process established to monitor the rate of growth of senior earnings compared to all other employees in the organisation.

During 2024/25 there will be a multiple of approximately 6.77 between the base level salary of the Chief Executive and a cleaner, reflecting the differences in skill sets, complexity and span of control from the lowest to the highest paid employees of the Council.

The salary (inclusive of allowances) for the post of Chief Executive was £136,962 (as at 1 April 2023).

The median full time equivalent salary for all other employees in Tonbridge & Malling Borough Council is in the region of £31,395, the mean full time equivalent salary is in the region of £37,218. The pay multiple is therefore approximately 4.21 against the median and 3.55 against the mean.

The Council's bespoke grading structure for employees with professional and specialised high level skill sets is entitled the "M" grade framework. All those referred to as chief officers within this pay policy statement fall within the "M grade" framework.

A feature of the M grade framework is that the remuneration levels for all M grade posts (including those of chief officers), are fixed as a percentage of the benchmark grade M2. Therefore, the grading structure specifies the pay multiples attached to each grade as a percentage of the lowest incremental point of grade M2.

Posts are positioned within the M grade framework on the basis of the required specialist knowledge, professional skills, depth of professional and managerial judgement, and managerial span of control. Broadly speaking the range of capabilities required for junior M grade posts (M9 – M7 inclusive) equate to professional and/or managerial capability equivalent to qualification Level 6.

Those occupying senior managerial posts graded M6 to M4 are required to possess both professional and managerial skill sets equivalent to Level 7. All three director level chief officer posts are graded as M2a. The professional and managerial capabilities and span of control required at director level broadly equate to Level 8.

A Level 8 degree of professional and managerial expertise is also required for the post of the Chief Executive and the Deputy Chief Executive. This, alongside the extensive span of control intrinsic to the role of paid head of service for the entire Council workforce, merits the grade of M1 for the Chief Executive and M2 for their deputy.

Supervisory, technical and clerical grades

The council has developed a bespoke grading structure for its supervisory, technical and clerical staff that ranges from the grade of senior officer to clerical scale 1. Broadly speaking the managerial, professional and skill set required for posts graded Senior Officer equate to qualification Level 5, posts graded scale 5-6 equate to Level 4, posts graded scale 3-4 to Level 3, posts graded scale 1-2 require a Level 1-2 skill set.

The Council considers that the relationship between the base salaries of its highest and lowest paid employees, as well as the relationship between the

highest paid and the mean and medial salaries of the entire workforce, represents an appropriate, fair and equitable internal pay relationship.

Section 5 – Policies common to all employees

The following elements of remuneration are determined by corporate policies or arrangements which apply to all permanent employees of the Council (including its chief officers and deputy chief officers), regardless of their pay level, status or grading. Full details on any of the policies listed below can be provided on request.

The Council aims to have a streamlined and transparent pay structure and therefore it does not pay performance related or total contribution bonuses, location allowances, or subsidy towards child care costs. Pension contributions for all employees opting to join the Local Government Pension Scheme are nationally determined.

Payments on termination of employment

According to the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 the Council has the power to make discretionary payments on early termination of employment. The Council has determined that it will calculate payments made to any eligible employee (including chief officers) who are made redundant or who depart on the grounds of the efficiency of the service by using the Government's statutory redundancy payment calculator formula and the employee's actual weekly pay. For those who depart on the grounds of redundancy or efficiency of the service, or who chose to retire "early", the Council does not increase the employee's total pension scheme membership or award additional pension. This response to the Local Government Pension Scheme (Administration) Regulations 2008 applies to all employees, including chief and deputy chief officers.

The Council's policy is that it does not re-employ anyone (including chief or deputy chief officers) who has left with a severance or redundancy payment, nor does it re-engage them on a self-employed basis with a contract for services.

Market Supplement Payments

The Council introduced a Recruitment & Retention Market Supplement Policy in October 2023.

The Council may utilise a market supplement to ensure that competitive salaries will attract and retain key workers in skill shortage areas without distorting the pay structures for all other employees.

A market supplement for recruitment or retention purposes will only be used where there are clear business reasons that cannot be better addressed

through the other means, such as job design, utilising existing skills within the department or service or use of temporary or agency staff for a time limited period.

It is recognised that pay is only one factor contributing to our attractiveness as an employer and other aspects of the employment offer, particularly those relating to development, should be applied in the first instance rather than using a market supplement.

Car allowances

For those posts where it is deemed that there is an essential requirement for the post holder to use a car to perform their job, and they are expected to travel in excess of 2,500 miles per annum in the course of their duties, the post holder receives a lump sum Essential Car User allowance to contribute towards the associated running costs of the car in accordance with the rates previously set by the National Joint Council.

The Council has previously run a lease car scheme which has not been open to new staff to join since June 2020. The lease car scheme is now no longer in operation as of November 2022 when the last remaining lease car holder ceased their participation in the scheme. The Council no longer pays an equivalent payment as an alternative to a lease car but certain specific posts have been identified to receive a Car Allowance.

Telephone allowances

Those employees who are deemed to be essential users of mobile telephones receive a mobile telephone allowance or a Council issued mobile phone.

Professional fees

Annual professional subscription fees to one relevant professional body are reimbursed to those employees where it is deemed an essential requirement for the post holder to belong to a professional institute.

Reimbursement of removal/relocation costs on appointment and mortgage subsidy scheme

The Council's relocation and mortgage subsidy schemes provide financial assistance (within pre-defined limits) to employees who re-locate from outside a reasonable travel area to the Borough to take up an appointment with the Council.

Subsistence Allowance

The Council reimburses expenditure on meals, accommodation, and any other expenses necessarily (within pre-defined limits) incurred by employees who have to be away from home on Council business.

Standby and call out allowances

Any employee who is required to undertake standby and call-out duties will be recompensed at the appropriate rate in accordance with the negotiated policy and payment rate for their role.

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TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

24 January 2024

Report of the Interim Chief Executive

Part 1- Public

Delegated

1 PAY AWARD 2024/25

Summary

This report provides Members with a variety of options to consider determining the pay award for employees for 2024/25.

1.1 Introduction

1.1.1 Council employees have a term in their contracts which reads “Salaries will be revised on 1 April each year by an amount determined by the Authority having regard to movements in the Retail Price Index, comparative pay settlements and prevailing economic conditions.” This Council determines its own pay awards, and is not tied into the national process of collective bargaining.

1.1.2 The last increase in employees’ salaries was an award of 5% paid to all staff in April 2023.

1.1.3 This report considers a range of factors that are relevant to the issue of a pay award for 2024/25 and provides Members with different options to consider in determining the pay award for employees.

1.2 Prevailing Economic Conditions

1.2.1 Members will be aware of the on-going need to make savings and transformation contributions in the context of the Medium-Term Financial Strategy and the Savings and Transformation Strategy. The Council still faces a significant funding gap over the 10-year period of the MTFS.

1.2.2 One of the biggest factors for Members to consider this year in determining a pay award is the significant rise of the National Living Wage (NLW) from 1 April 2024. The Government has announced that the NLW will rise by 9.8% on 1 April 2024 from £10.42 per hour to £11.44, an increase of £1.02 per hour.

1.2.3 The Council has a legal obligation to not pay below the NLW. If a pay award is not awarded, then it must be noted that some form of pay increase will have to be applied to the Council’s spinal column points (Annex 1) 313-316 to ensure staff on

these grades do not fall below the NLW from 1 April 2024 or these staff will need to be moved to scp 317 in order to ensure they do not fall below the NLW.

- 1.2.4 There is no indication as yet of what the national pay award (NJC) offer for 2024/25 will be. The national pay award for 2023/24 was only agreed in November 2023 and backdated to 1 April 2023. The agreed pay award was a flat rate of £1,925 applied to all pay grades. This award equated to between 9.42% - 3.88% increase depending on the salary.
- 1.2.5 The most recently published Retail Price Index (RPI) rate (in December 2023) was 5.3% and the Government's preferred measure of inflation, the Consumer Price Index (CPI) most recent published figure (in December 2023), was 3.9%.

1.3 Impact of the National Living Wage rise

- 1.3.1 The Council presently employs 34 members of staff who are on a scale 3 grade and 7 members of staff who are on a scale 2 grade.
- 1.3.2 The NLW will rise to £11.44 per hour from 1 April 2024. For context, the supermarket chain Sainsbury's has announced it will pay all its store staff a minimum of £12 per hour from 1 March 2024 in line with the new Real Living Wage. If the Council was to award a 5% pay award, this would mean only the top point of scale 3 would be slightly above £12 per hour from 1 April 2024.
- 1.3.3 The below table illustrates the new hourly rate increase a 5% pay award for grades 2-4 from 1 April 2024 would give (a 5% pay award is presented as option 1 in section 1.7 of this report):

Scale	SCP	2023 Salary	5% Pay Award	New Salary	New Hourly Rate
2	311	19,299	5%	20,264	£10.50
	312	19,713	5%	20,699	£10.73
	313	20,226	5%	21,237	£11.01
3	314	20,634	5%	21,666	£11.23
	315	21,078	5%	22,132	£11.47
	316	21,594	5%	22,674	£11.75
	317	22,149	5%	23,256	£12.05
4	318	22,593	5%	23,723	£12.30
	319	23,463	5%	24,636	£12.77
	320	24,339	5%	25,556	£13.25
	321	25,257	5%	26,520	£13.75

**Below
NLW**

- 1.3.4 The below table illustrates the new hourly rate a fixed pay award of £1,900 for grades 2-4 from 1 April 2024 would give (a fixed pay award of £1,900 for local grades is presented in options 4 and 5 in section 1.7 of this report):

Scale	SCP	2023 Salary	Fixed Increase	New Salary	% Increase	New Hourly Rate	
2	311	19,299	1900	21,199	9.85%	£10.99	Below NLW
	312	19,713	1900	21,613	9.64%	£11.20	
	313	20,226	1900	22,126	9.39%	£11.47	
3	314	20,634	1900	22,534	9.21%	£11.68	
	315	21,078	1900	22,978	9.01%	£11.91	
	316	21,594	1900	23,494	8.80%	£12.18	
	317	22,149	1900	24,049	8.58%	£12.47	
4	318	22,593	1900	24,493	8.41%	£12.70	
	319	23,463	1900	25,363	8.10%	£13.15	
	320	24,339	1900	26,239	7.81%	£13.60	
	321	25,257	1900	27,157	7.52%	£14.08	

1.4 Recruitment issues affecting the Council during the past twelve months

1.4.1 New starters during 2023: Between 1 January 2023 – 31 December 2023 the Council recruited 39 new starters. Of these new starters 9 were appointed to M Grade posts and 30 were appointed to scale 2-SO. The breakdown of appointments by grades can be found below:

Scale	Appointed	M Grade	Appointed
2	5	M9	5
3	11	M8	2
4	4	M7	0
5	5	M6	1
6	1	M5	0
SO	4	M4	1
Total Appointed = 39			

1.4.2 Leavers during 2023: Between 1 January 2023 – 31 December 2023, 32 members of staff left the Council, which is a turnover rate of 12.8%. Of these leavers 9 were in M Grade posts and 23 were in scale 2-SO posts.

1.4.3 The breakdown of leaver by grades can be found below:

Scale	Leavers	M Grade	Leavers
2	2	M9	4
3	4	M8	3
4	5	M7	1
5	6	M6	0
6	4	M5	0
SO	2	M4	1

Total Leavers = 32

1.4.4 During the calendar year 1 January 2023 – 31 December 2023, the Council advertised 62 vacancies. This number is higher than the number of actual vacancies the Council had. This is because a number of these vacancies are re-advertisements. Re-advertisements are required when a post is not filled at the first time of asking. This can be due to a lack of applicants, a lack of suitably qualified applicants, interviews taking place with no appointment made or an applicant accepting the position but then subsequently turning the position down.

1.4.5 The table below shows the number of job vacancies for posts within scale 2-SO which led to an appointment being made between 1 January 2023-31 December 2023, the table also shows the number of job vacancies which did not lead to an appointment.

Scale	Appointed*	Not Appointed
2	2	2
3	8	3
4	4	2
5	9	2
6	5	3
SO	4	1
TOTAL	32	13

(*note, there are instances where one job vacancy can lead to more than one appointment, the table reflects one appointment made).

1.4.6 All of the job vacancies between scale 2-SO were recruited to but the table above demonstrates that the Council struggles to recruit to lower graded positions and several posts require being readvertised.

1.4.7 The table below shows the number of job vacancies for M Grade posts which led to an appointment being made between 1 January 2023-31 December 2023, the table also shows the number of job vacancies which did not lead to an appointment.

M Grade	Appointed*	Not Appointed
M9	2	5
M8	2	5
M7	1	1
M6	1	0
TOTAL	6	11

(*note, there are instances where one job vacancy can lead to more than one appointment being made, the table reflects one appointment made).

- 1.4.8 The majority of the M Grade roles which were appointed to were roles within the Planning department, these roles were appointed to following the introduction of the Market Supplement and Golden Hello payments. Similarly of the 11 M Grade vacancies not appointed to, 6 of these posts were within the Planning department and were advertised before the introduction of the market supplements.
- 1.4.9 Recruitment to M grades posts is proving to be a challenge. In the vast majority of cases, M grade posts have a requirement for a specific qualification as well as substantial experience.
- 1.4.10 The Council has had to engage external recruitment agencies to aid recruitment with the appointment of permanent M grade staff in IT, the M9 Developer post and the M8 Senior Application Analyst & Developer. The Council has also had to engage external recruitment agencies to appoint a Senior Accountant (M9) vacancy. Although recruitment to these positions have been eventually successful, the posts have taken longer to fill and the Council incurs a 'finders fee' cost which is paid to the agency.
- 1.4.11 Despite the use of external recruitment agencies the Council has struggled to recruit to its Solicitor Property, Contract & Procurement (M6) vacancy and its Estate Surveyor (M9) vacancy. Both posts have been vacant for more than one year and have been occupied by long term agency/locum staff.

1.5 Comparative Pay Settlements

- 1.5.1 At the time of writing, no Kent Authorities have settled their pay awards for 2024/25, and most are engaged in ongoing negotiations.
- 1.5.2 It may be helpful to Members of this Committee to provide a historical context in terms of recent pay awards. In 2010, 2011, and 2012 there were no pay awards and salaries remained "frozen" at the 2009 level. In June 2013, April 2014 and April 2015 there were pay awards of 1%; an award of 2% over 2 years was made for the period April 2016 to March 2018, the award for 2018/19 was 2%, for 2019/20 it was 2.5%, for 2020/21 it was 2.5%, for 2021/22 it was 1% and for 2022/23 it was 2%. The most recent pay award for 2023/24 was 5%.

1.6 General Discussion

- 1.6.1 The cost of living and Public Sector pay has been a very high-profile topic throughout 2023 with numerous strike actions taking place across various public sector bodies.
- 1.6.2 Although the rate of inflation has fallen significantly over the last twelve months, the current rate of inflation suggests that a pay award is necessary.
- 1.6.3 Unison submitted their claim to the Leader, the Chief Executive and the Director of Central Services & Deputy Chief Executive in November 2023. UNISON's pay claim for 2024/25 can be found, in full, in Annex 2 of this report.

- 1.6.4 An overriding imperative for the Council is to contain its expenditure on salaries in order to retain a stable employment position that, in turn, will be to the overall benefit of staff, continue the delivery of good quality services, and help to achieve a balanced budget. Maintaining our ability to recruit and motivate staff with the appropriate skill sets to meet the Council's priorities and future challenges ahead is also of vital importance.
- 1.6.5 Provision for pay inflation for 2024/25 has been made in the Medium-Term Financial Strategy of £600,500. If an equal percentage was paid to all staff which has been the case in recent years, then this would equate to a pay award of 5.0% to all staff.
- 1.6.6 I feel that it is appropriate to consider an award that recognises the continuing efforts of staff to 'do more with less'. An award will reinforce a message of support and encouragement to our staff, in addition to the implications of overall cost reduction through re-structuring and the deletion of posts. It is also important from a recruitment and retention point of view that we do not fall significantly behind other employers.
- 1.6.7 I recommend that a pay award is offered to staff for 2024/25 in order to maintain a competitive position with other employers in the recruitment market. I have set out a number of options below for Members to consider.

1.7 Options for 2024/2025 Pay Award

1.7.1 Option 1 – 5% pay award for all staff

1.7.2 This is the most equitable option which ensures that staff across the Council receive the same pay award regardless of the grade of their post.

1.7.3 This pay award would impact on the council's current pay structure. A 5% pay award would see the loss of scale 2 (scp 311-313) and the first spinal column point of scale 3 (scp 314) as they would both fall under the new National Living Wage.

1.7.4 In financial terms, this option would cost £4,100 above the provision the Council has made for pay award inflation for 2024/25. This is due to increasing the salary of a small number of staff to ensure they earn above the National Living Wage.

1.7.5 Option 2 – 7.5% pay award for all staff and adoption of the 'Real Living Wage' (UNISON's pay claim)

1.7.6 As set out in Annex 2, the pay claim from the Tonbridge and Malling Branch of UNISON requested a 7.5% pay award for all staff and that the Council should adopt the 'Real Living Wage' set by the Living Wage foundation.

1.7.7 The Council has not previously signed up to be a Real Living Wage employer, the Real Living Wage from 1 April 2024 is £12.00 per hour.

1.7.8 This option would cost an additional £311,700 above the provision the Council has made for pay inflation for 2024/25.

1.7.9 Option 3 – Apply the equivalent rise of the National Living Wage to all posts

1.7.10 As set out in 1.2.2 above, the NLW is rising by £1.02 per hour from 1 April 2024.

1.7.11 If this same ‘flat’ pay increase was applied to all posts in the Council then this would give a greatly varying percentage increase in pay award as shown below:

Salary Scale	Top of salary	Fixed increase	New top of scale	% increase
2	£20,226	£1,965	£22,191	9.72%
3	£22,149	£1,965	£24,114	8.87%
4	£25,257	£1,965	£27,222	7.78%
5	£28,473	£1,965	£30,438	6.90%
6	£31,395	£1,965	£33,360	6.26%
SO	£38,007	£1,965	£39,972	5.17%
M9	£43,311	£1,965	£45,276	4.54%
M8	£48,594	£1,965	£50,559	4.04%
M7	£53,877	£1,965	£55,842	3.65%
M6	£59,157	£1,965	£61,122	3.32%
M5	£64,440	£1,965	£66,405	3.05%
M4	£74,049	£1,965	£76,014	2.65%
M2a	£103,101	£1,965	£105,066	1.91%
M2	£105,741	£1,965	£107,706	1.86%
M1	£132,150	£1,965	£134,115	1.49%

1.7.12 This option ensures all staff receive the same ‘flat’ monetary pay increase regardless of the salary scale that their post falls within. Staff in salary scale 2-6 posts would receive between a 9.72-6.2% increase, staff in SO posts would receive 5.07% and M Grades would receive between 4.54-1.49%.

1.7.13 This option negatively impacts on M grades posts with many posts receiving less than 3%.

1.7.14 This option maintains the council’s current pay structure by ensuring that no grades are lost.

1.7.15 This option would cost an additional £10,800 above the provision the Council has made for pay inflation for 2024/25.

1.7.16 Option 4 – Maintain the Council’s current pay scales

1.7.17 The Council’s pay scales will be significantly impacted by the rise of the National Living Wage on 1 April 2024. If no pay award is awarded in April 2024 then this increase will all but erode scale 3 other than the very top spinal column point. The current top of scale 3, scp 317 is £22,149.

- 1.7.18 If a flat 5% award is given as set out in option 1 above, then the lowest spinal column point the Council could pay is the spc 315, the second point of scale 3.
- 1.7.19 As Annex 1 shows, scale 1 and all but the top spinal column point of scale 2 now fall below the current national living wage and will significantly fall below the new NLW from 1 April 2024.
- 1.7.20 Moving the lowest spinal column point the Council can pay into scale 3 (scp 315) will impact on a large number of customer service and other administrative roles. The Council has utilised scale 1 and 2 in the past for lower skilled basic clerical and operative roles. Whilst the Council only employs a very small number of these roles, these roles would automatically have to be remunerated at scale 3.
- 1.7.21 The Council currently employs approximately 34 members of staff who are on scale 3, these posts require previous work experience and undertake more complex tasks with a good understanding of Council processes and systems.
- 1.7.22 This option applies the same fixed monetary amount to all 'Local' grades (scale 2 to SO) to ensure our current lowest grade scale 2 equates to £11.47 per hour, slightly higher than the new National Living wage from 1 April 2024, £11.44 per hour.
- 1.7.23 This option applies a percentage to all M grades. The M grade percentage is based on the remainder of the equivalent "pot" of the provision for pay inflation the Council has made for 2024/25.
- 1.7.24 The table below shows the actual percentage increase at the top of each grade:

Salary Scale	Top of salary	Fixed increase	New top of scale	% increase
2	£20,226	£1,900	£22,126	9.39%
3	£22,149	£1,900	£24,049	8.58%
4	£25,257	£1,900	£27,157	7.52%
5	£28,473	£1,900	£30,373	6.67%
6	£31,395	£1,900	£33,295	6.05%
SO	£38,007	£1,900	£39,907	5.00%
M9	£43,311	3.63%	£44,883	3.63%
M8	£48,594	3.63%	£50,358	3.63%
M7	£53,877	3.63%	£55,833	3.63%
M6	£59,157	3.63%	£61,304	3.63%
M5	£64,440	3.63%	£66,779	3.63%
M4	£74,049	3.63%	£76,737	3.63%
M2a	£103,101	3.63%	£106,844	3.63%
M2	£105,741	3.63%	£109,579	3.63%
M1	£132,150	3.63%	£136,947	3.63%

- 1.7.25 This option maintains the Council's current pay structure by ensuring that no current grades are lost.
- 1.7.26 This option would not cost above the provision the Council has made for pay inflation for 2024/25, but it does mean that professional staff on grade M9 and above would have an award less than the rate of inflation and it is these grades where the difficulties with recruitment and retention are most pronounced.
- 1.7.27 **Option 5 - Maintain the Council's current pay scales and provide a higher pay award for M Grade staff**
- 1.7.28 As outlined above, although recruitment has proved to be increasingly challenging during the past twelve months which affect posts at all grades, the Council is experiencing this most acutely across Management Grade (M Grade) posts.
- 1.7.29 A pay award of 3.63% or less (which would fall below the current rate of both RPI and CPI) will likely further exacerbate the difficulties in recruiting to M Grade vacancies.
- 1.7.30 The option detailed below is similar to option 4 above in that it applies the same fixed monetary amount to all 'Local' grades (scale 2 to SO) to ensure our current lowest grade scale 2 equates to £11.47 per hour.
- 1.7.31 This option is also proposing to apply a higher pay award of 5% to all M Grade staff in order to remain competitive in the recruitment market where M Grades have proved to be the hardest to fill. It is also likely that this option will have a positive impact on retaining current M Grade staff.
- 1.7.32 The table below shows the actual percentage increase at the top of each grade:

Salary Scale	Top of salary	Fixed increase	New top of scale	% increase
1	£19,299	£1,900	£21,199	9.85%
2	£20,226	£1,900	£22,126	9.39%
3	£22,149	£1,900	£24,049	8.58%
4	£25,257	£1,900	£27,157	7.52%
5	£28,473	£1,900	£30,373	6.67%
6	£31,395	£1,900	£33,295	6.05%
SO	£38,007	£1,900	£39,907	5.00%
M9	£43,311	5.00%	£45,477	5.00%
M8	£48,594	5.00%	£51,024	5.00%
M7	£53,877	5.00%	£56,571	5.00%
M6	£59,157	5.00%	£62,115	5.00%
M5	£64,440	5.00%	£67,662	5.00%
M4	£74,049	5.00%	£77,751	5.00%
M2a	£103,101	5.00%	£108,256	5.00%
M2	£105,741	5.00%	£111,028	5.00%

M1	£132,150	5.00%	£138,758	5.00%
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1.7.33 This option maintains the Council's current pay structure by ensuring that no current grades are lost.

1.7.34 This option would cost an additional £70,000 above the provision the Council has made for pay inflation for 2024/25.

1.8 Conclusions

1.8.1 The determination of a pay award for 2024/25 is not straightforward. There are a number of competing factors that the Council needs to take into account to ensure that it can meet the objectives set out in paragraphs 1.6.6 and 1.6.7 above. The most equitable option remains to award all staff the same percentage pay award regardless of their grade. However, the increase in the NLW is of particular importance for the forthcoming year, given its impact on the Council's pay structure. A flat percentage pay award to all staff regardless of grade (as set out in option 1) would not maintain the Council's pay structure and is not therefore my recommended option for the 24/25 financial year.

1.8.2 I am also conscious that the Council has made provision for pay award inflation within the medium term financial strategy of £600,500. If the pay award is to be met within this provision and without impacting the existing pay structure, then my recommendation for 24/25 would be that option 4 is approved. However, this comes with an important note of caution as to the potential impact in recruitment and retention terms of a below inflation increase for M grade staff.

1.8.3 Option 5 takes into account the dual pressures the Council is facing in response to the significant rise in the NLW by awarding a flat rate £1,900 pay rise to staff on scales 2-SO. In addition, this also factors in the potential benefits to the recruitment and retention of M Grade staff by awarding them a 5% pay award. If Members were minded to set a pay award that would increase the provision the Council has made for pay inflation 2024/25 then my recommendation would be that option 5 is approved.

1.9 Legal Implications

1.9.1 The Council has a contractual requirement to review our salary levels annually but no obligation to increase them by any set amount or in response to movement in either the RPIJ or the CPI.

1.10 Financial and Value for Money Considerations

1.10.1 Option 1 - This option would cost an additional £4,100 above the provision the Council has made for pay award inflation for 2024/25.

1.10.2 Option 2 - This option would cost an additional £311,700 above the provision the Council has made for pay award inflation for 2024/25.

1.10.3 Option 3 - This option would cost an additional £10,800 above the provision the Council has made for pay award inflation for 2024/25.

1.10.4 Option 4 - This option would not cost above the provision the Council has made for pay award inflation for 2024/25 and would therefore be 'within budget'.

1.10.5 Option 5 - This option would cost an additional £70,000 above the provision the Council has made for pay award inflation for 2024/25.

1.11 Risk Assessment

1.11.1 The Council will need to closely monitor movements in pay awards in future years not only amongst neighbouring authorities but also in the private sector as there is a slight risk that some staff, whom it may be in the Council's interest to retain for the future, may be attracted to the potentially higher rewards elsewhere.

1.11.2 The Council lists recruitment and retention issues on the Strategic Risk register. If a below inflation pay award is given to staff this could increase the level of risk to the Council.

1.12 Equality Impact Assessment

1.12.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.13 Policy Considerations

1.13.1 Pay Policy Statement.

1.14 Recommendations

1.14.1 Members are asked to determine the pay award for the 24/25 financial year from one of the options as set out in section 1.7 of this report.

Background papers:

Nil

contact: Mathew Brooks
Head of HR & Development

Adrian Stanfield
Interim Chief Executive

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**TONBRIDGE AND MALLING BOROUGH COUNCIL
FULL TIME SALARIES**

LOCAL FROM 01.04.23		
Scale		£
1	301	10,854
	302	11,583
	303	12,528
	304	13,281
	305	14,220
	306	15,111
	307	15,963
	308	16,971
	309	18,087
	310	19,299
2	311	19,299
	312	19,713
	313	20,226
3	314	20,634
	315	21,078
	316	21,594
	317	22,149
4	318	22,593
	319	23,463
	320	24,339
	321	25,257
5	322	25,920
	323	26,697
	324	27,576
	325	28,473
6	326	29,394
	327	30,375
	328	31,395
SO	329	32,649
	330	33,744
	331	34,830
	332	35,847
	333	36,927
	334	38,007

TMBC GRADES	
	scp
1	301 to 311
2	311 to 313
3	314 to 317
4	318 to 321
5	322 to 325
6	326 to 328
SO	329 to 334

PROTECTED SCALES	
Scale	Protected scp
1	312 to 313
2	314 to 315
3	318 to 319
4	322 to 323
5	326 to 327
6	329 to 330

First Aid Allowance	
2022/23	£187.80

Years of LG Service	Long Service Award
20-24	175
25-29	200
30-34	240
35-39	280
40-44	370
45 or more	410

M GRADE FROM 01.04.23			
			£
M9	41.0%	111	38,646
		112	39,423
		113	40,200
		114	40,977
		115	41,754
		116	42,537
		117	43,311
M8	46.0%	121	45,972
		122	46,848
		123	47,727
		124	48,594
M7	51.0%	131	50,970
		132	51,939
		133	52,914
		134	53,877
M6	56.0%	141	55,968
		142	57,030
		143	58,101
		144	59,157
M5	61.00%	147	60,966
		148	62,124
		149	63,288
		150	64,440
M4	70.0%	151	70,062
		152	71,391
		153	72,729
		154	74,049
M4a	75.0%	161	75,060
		162	76,482
		163	77,916
		164	79,332
M3	80.4%	171	80,454
		172	81,981
		173	83,520
		174	85,035
M3a	85.0%	176	85,053
		177	86,667
		178	88,290
		179	89,895
M2a	97.5%	181	97,545
		182	99,396
		183	101,259
		184	103,101
M2	100.0%	186	100,044
		187	101,943
		188	103,854
		189	105,741
M1	125.0%	191	125,031
		192	127,404
		193	129,792
		194	132,150

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PAY CLAIM FOR 2024/2025

Submitted to Tonbridge and Malling Borough Council
by the Tonbridge and Malling Branch of UNISON

1. Introduction

This pay claim is submitted by the Tonbridge and Malling Branch of UNISON on behalf of all UNISON members working for Tonbridge and Malling Borough Council.

The last 18 months have been exceedingly challenging for almost every organisation – and almost every individual.

2. Last year's pay settlement

This time last autumn, when CPI was running at 11.1% and RPI at 14.2%, TMBC staff were awarded a pay rise of only 5% (plus a little extra for the lowest grades) from April 2023.

UNISON members voted to accept last year's pay award – but only by a very narrow margin.

Our salaries never do seem to keep up with inflation, but last April's **huge discrepancy between our pay and the rate of inflation eroded our salaries even more than usual**. Those on the lowest grades, who never have much opportunity to save for a rainy day, will always feel it the most.

One UNISON member pointed out that *“After deductions, I actually only received an extra £80 per month, which did even cover the rise in the food bill – let alone anything else... Disheartening”*.

By comparison:

- the National Joint Council of unions (the NJC) negotiated a flat rate of **£1,925** on all pay points (backdated from last April). This was equivalent to between 3.88% and 9.42%, depending on grade, and offered significantly more to the lower paid.

- Kent County Council paid all their staff on bands KR3 to KR11 a rise of **£2,000** from April 2023. This equates to **10.4%** for the lowest paid, bringing their lowest salary up to £11.04 (higher than the Foundation real living wage for 2022 of £10.90). Pay bands above KR11 were increased by a percentage rate instead.
- According to press reports (eg. The Guardian 13th July 2023), other public services all received rather more than us too:

Police	7%
Prison officers	7%
Teachers	6.5%
Junior doctors	6% plus an unconsolidated payment of £1,250
Armed forces	5% + an unconsolidated payment of £1,000
Civil servants	5.5%

TMBC staff have been left behind.

3. Cost of living since last year

Things have not improved very much during the course of this year either.

ONS figures at September 2023:

The Retail Price Index	8.9%,
Consumer Price Index	6.7%
CPIH (which includes owner occupiers' housing costs)	6.3%.

Since last September, all our members have felt the financial pressure of most or all of their outgoings increasing: utilities, mortgage/rent, fuel, groceries, insurances and childcare or pet care (where relevant).

Some outgoings have increased significantly, by hundreds of pounds. This was particularly striking for members whose mortgage fixed rate ended. In the worst cases, 14% of our members experienced mortgage increases alone of over £300 per month.

Government energy subsidies have also now finished, meaning households will be feeling the full effect of the increased fuel bills this winter.

These expenditures are not things we can live without, like holidays or takeaways - they are **everyday necessities**.

4. Some of our staff are really struggling

Our recent UNISON members' survey completed in October revealed that an increasing number of staff are now finding they cannot survive on their monthly wages alone:

- 46% (up from 37% last year) now regularly dip into their savings to get through the month (this is money that was previously set aside for a holiday, home improvements, retirement or a rainy day – which may have a long term impact), and/or
- 32% have taken out loans (compared to 10% last year), and/or
- 7% have borrowed from friends/relatives.

Most worryingly, 18% of our members indicated their household is struggling financially overall, with 7% even struggling to pay essential utility bills. Some are single parent households or carers for dependent adults, which makes things all the more challenging.

This is clearly **unsustainable**: we need much more this year.

5. Staff Morale

This summer, it was recognised that TMBC Planning salaries were well below the market rates elsewhere, and this was likely the reason for failing to recruit into numerous vacant Planning posts over the last couple of years.

The introduction of the “Golden Hello” payments and Market Supplement awarded to all qualified Planning Officers only, caused considerable bad feeling amongst UNISON members - and non-members - in various departments. More staff joined UNISON that month than in the rest of the year!

Several survey respondents told us they **did not feel their work was valued** and one member pointed out that it was “**divisive and unfair**”.

There have been long term vacancies in other teams too. UNISON cannot help thinking that **if all salaries had kept up with inflation and other employers better to start with, TMBC may never have had the recruitment issues it has had.**

As one member put it, *“It would be cheaper to pay better to retain the existing staff, than wasting money paying for agency staff – and less disruptive to the service”.*

Another member stated *“Management and Councillors need to realise that dedicated staff give (the) best service. Investing in staff is no different to other investments to improve service delivery”*.

Several members pointed out that their own roles would also be hard to replace – but the Council will only realise this once people leave. One member stated: *“Management should recognise the shortages of trained staff in other roles even when we are fully staffed, rather than waiting for staff to leave, then struggling to recruit”*.

Our members want to feel their role is valued whilst they still work at TMBC, and salary is a very important element of that. Salaries need to increase before more people “jump ship”, leaving us unable to deliver services.

57% of our survey respondents indicated they have considered leaving for better pay during the year – this is an even larger percentage than this time last year.

A few members made it clear that they are actively looking for better paid jobs right now, despite also saying they actually enjoy working for TMBC. This seems such a waste of their skills and knowledge! And it will cost even more to recruit and train their replacements.

68% of our members said their workload had increased over the last year, and a massive 53% of respondents said work pressures had an impact on their mental health. Several members reported that their teams have had vacancies much of the time, which puts more workload and stress on the remaining staff trying to cover the work, and later whilst training new colleagues.

The cost of living crisis has led to increased demand on some of our services, especially in the Housing department, which further contributes to a stressful workload.

Several members are telling us that this work stress disrupts their work / life balance at home, and potentially damages relationships.

6. Mileage rates

In addition, it costs more and more for our members to use their cars for work.

HMRC have still not increased the National mileage rates from 45p per mile for 12 years, which feels especially unfair over the last few years, with the cost of fuel, insurance premiums, care repairs and new/used car prices all rising

considerably. UNISON and the RAC have calculated that mileage should now be more like 63p per mile.

In the current climate, many of our members are now effectively paying out of their own pockets to conduct for their site work for TMBC!

Some other employers (including some other Councils) have recognised this inadequacy and are making additional mileage payments. We are calling on TMBC to do the same - even if we have to pay tax on it.

7. In Summary

Our members are a reasonable bunch, who understand that the Council's finances are also challenged, but who also need to look after their families. **Pay rises of well below inflation once again are untenable for our members.**

Appropriate reward is needed to **recruit and retain** staff, but also to **improve morale and productivity** of the employees who deliver essential services to our community.

UNISON are seeking:

- A pay rise of 7.5% for all pay grades.
- The lowest grades brought up to at least the Real Living Wage of £12 per hour.
- A top up mileage allowance of 18p/mile, which including the HMRC allowance (45p/mile) would bring the total up to 63p/mile.

Carolyn Mell
Branch Chair

Jack Lee
Membership Officer

9 November 2023

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TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

24 January 2024

Report of the Interim Chief Executive

Part 1- Public

Delegated

1 REVIEW OF WHISTLEBLOWING POLICY

This report informs Members of the outcome of the review of the Council's Whistleblowing Policy.

1.1 Introduction

1.1.1 The Whistleblowing Policy provides employees and Members with information about how they may report concerns regarding breaches of laws, regulations, policies or procedures committed by other employees or Members of the Council. It also outlines how the Council will deal with those concerns once they have been reported.

1.2 Whistleblowing Policy

1.2.1 The Whistleblowing Policy was last reviewed by the Committee in January 2022. This latest review found that, other than some minor amendments, no changes are required to bring it up to date with best practice.

1.2.2 The Audit Committee is due to consider this policy at its meeting on 15 January 2024. If there are any recommendations for amendment made, Members of this Committee will be advised at the meeting.

1.2.3 It is noted the Government have started a review of the whistleblowing framework with the evidence gathering stage concluding in the Autumn of 2023. This may take into account the EU Whistleblowing Directive and will be part of the forthcoming Whistleblowing Bill, however this has yet to make its way through parliament.

1.2.4 A copy of the updated internal Whistleblowing Policy is attached at **[Annex 1]**.

1.2.5 The Whistleblowing Procedure can be found at **[Annex 2]**.

1.2.6 In addition, and in line with best practice it is recommended that an external policy is made available to support those working externally to TMBC who may witness

wrongdoing by officers and councillors. This policy will provide the details on who and how to raise concerns a copy of the policy is attached at **[Annex 3]**.

1.3 Action Following Approval of the Policy

1.3.1 The Policy, once approved, will be circulated to all staff with computer access using Netconsent and made available on the Council website.

1.4 Legal Implications

1.4.1 A Whistleblowing Policy is not mandatory, but does comply with best practice and refer to the relevant legislation where appropriate.

1.5 Financial and Value for Money Considerations

1.5.1 Providing clear guidelines to employees, Members and the public on how they may report concerns of inappropriate conduct or fraud strengthen the Council's zero tolerance approach to fraud, bribery and corruption.

1.6 Risk Assessment

1.6.1 While there is no statutory requirement to have an appropriate mechanism for dealing with whistleblowing, it is relevant to helping the Council comply with associated law. Failure to have an adequate whistleblowing mechanism carries significant reputational risk.

1.7 Equality Impact Assessment

1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.8 Policy Considerations

1.8.1 Crime & Disorder Reduction

1.9 Recommendations

1.9.1 Members are asked to **approve**, subject to any required amendments, the Whistleblowing Policy **[Annex 1]** and accompanying Whistleblowing Procedure **[Annex 2]** and external Policy **[Annex 3]**.

Background papers:

contact: James Flannery

Nil

Adrian Stanfield
Interim Chief Executive

WHISTLEBLOWING POLICY

Document Owner:	Adrian Stanfield Interim Chief Executive
Version:	Version 8

Document Review History

Version	Reviewed	Reviewer	Approver	Date Approved
Original	N/A	Audit Assurance Manager	Audit Committee	27 January 2014
5	December 2019	Audit Assurance Manager	General Purposes Committee	27 January 2020
6	December 2020	Audit Assurance Manager	General Purposes Committee	25 January 2021
7	December 2021	Audit Assurance Manager	General Purposes Committee	31 January 2022
8	December 2023	Counter Fraud Manager	General Purposes Committee/ Audit Committee	TBC 15 January 2024



January 2024

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TONBRIDGE & MALLING BOROUGH COUNCIL WHISTLEBLOWING POLICY

A confidential reporting policy for all Members, employees and contractors

1. Introduction

- 1.1 Tonbridge & Malling Borough Council operates within legal requirements and regulations and expects its employees to co-operate in this by adhering to all laws, regulations, policies and procedures. The Council recognises that employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Public Interest Disclosure Act 1998 (the 1998 Act) contains measures which help to promote greater openness between employers and employees in the workplace and supports a structure for whistleblowing. The 1998 Act:
- a) *is designed to give statutory protection to employees who “blow the whistle” on their employer’s malpractice*
 - b) *although not requiring the Council to set up an appropriate mechanism for dealing with whistleblowing, makes clear the important role that such a mechanism can play in helping the Council comply with the law.*
- 1.3 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect and support employees, and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. This policy is intended to encourage and enable individuals to raise concerns within the Council, without fear of reprisals, rather than overlooking a problem or “blowing the whistle” outside. The policy does, however, recognise that individuals must be able to take matters further if they are dissatisfied with the Council’s response.

2. Definition of Whistleblowing

- 2.1 *‘Whistleblowing’ means the disclosure of malpractice or wrongdoing within an organisation.*

3. Aims and Scope of this Policy

- 3.1 The Whistleblowing Policy aims to:

- Encourage you to feel confident about raising concerns and to question and act on those concerns

- Provide a way for you to raise concerns and receive appropriate feedback on any action taken
- Confirm that all concerns raised will be examined and the Council will assess what action should be taken
- Reassure you that you will be protected from possible reprisals or victimisation if you have made a disclosure in good faith
- Provide ways for you to take the matter further if you are dissatisfied with the Council's response

3.2 The *Whistleblowing Policy* is intended to cover concerns that fall outside the scope of the Council's Grievance Procedure which enables employees to lodge a grievance relating to their employment.

This Policy is also intended to cover concerns that fall outside the scope of the Council's corporate complaints procedures and other statutory reporting procedures. These may include:

- Any unlawful act, whether criminal (e.g., theft) or a breach of the civil law (e.g., slander or libel)
- Health and safety risks, including risks to the public as well as to other employees (e.g., faulty electrical equipment)
- Damage to the environment (e.g., pollution)
- The unauthorised use of public funds (e.g., expenditure for improper use)
- Possible fraud and corruption
- Inappropriate or improper conduct (e.g., abuse of power, bullying/harassment)
- Serious failure to comply with appropriate professional standards (e.g., TMBC Code of Conduct)
- Breach of Council or statutory codes of practice or the Council's standing orders (e.g., Officers' Code of Conduct)
- Discrimination on the grounds of race, colour, creed, ethnic or national origin, disability, age, sex, sexual orientation, marital status or class
- Abuse of children and vulnerable adults (e.g., through physical, sexual, psychological or financial abuse, exploitation or neglect)
- Other unethical conduct

4. Who does this Policy Cover?

4.1 This policy applies to disclosures made in relation to or by:

- Any employee of the Council, either under contract of employment or apprenticeship
- Any Councillor of the Council
- Any contractors, their agent, subcontractors and suppliers working with or on behalf of the Council
- Consultants and agency staff working with or for the Council
- Any organisation working in partnership with the Council

5. Supporting the Individual Raising a Concern

5.1 **Harassment or Victimisation:** The Council is committed to good practice and high standards. The Council also recognises that the decision to report a concern can be a difficult one to make. It will not tolerate harassment or victimisation of whistle-blowers and will take action to protect individuals who raise concerns in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that may already affect the individual. However, this does not mean that if the individual is already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of raising a concern under this policy.

5.2 **Confidentiality:** Individuals are encouraged to put their name to any allegation; however, you are not required to do so and can make a report anonymously. Anonymity can hamper any investigation should further information be required however anonymous reports will be considered, taking into account:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

All concerns will be treated in confidence and the Council will do its best to protect the individual's identity when they do not want their name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by the individual raising the concern may be required as part of the evidence. If the situation arises where the Council is not able to resolve the concern without revealing the individual's

identity, this will be discussed with the individual to identify how the matter can be progressed.

- 5.3 **Untrue Allegations:** Any individual who makes an allegation in good faith, but which is not subsequently confirmed by the investigation, will have no action taken against them. If however, an individual makes malicious or vexatious allegations or an allegation for personal gain, disciplinary action may be taken against them.

6. How to Raise a Concern

- 6.1 When an individual wishes to raise a concern, they will need to identify the issues carefully. An individual must be clear about the standards against which they are judging practice. They should consider the following:

- Is it illegal?
- Does it contravene professional codes of practice?
- Is it against government guidelines?
- Is it against the Council's guidelines?
- Is it about one individual's behaviour or is it about general working practices?
- Does it contradict what the employee has been taught?
- Has the employee witnessed the incident?
- Did anyone else witness the incident at the same time?
- Where an individual is unsure whether to raise a concern, they should contact the Audit Assurance Manager and Fraud Team for advice.

- 6.2 Members should raise a concern in the first instance with the Chief Executive, Monitoring Officer or S151 Officer. Employees should raise concerns in the first instance with their immediate Line Manager or Service Manager, if possible. Similarly, non-employees (e.g., agency workers or contractors) should raise a concern in the first instance with their contact within the Council, usually the person to whom they directly report.

- 6.3 In some cases, the nature, seriousness or sensitivity of the concern or the individuals involved in the activities causing concern means that this may not always be appropriate. If a person feels they cannot raise their concern with their immediate management/contact, they are able to go directly to the Audit Assurance Manager.

- 6.4 Individuals may also contact the Audit Assurance Manager and Fraud Team for advice/guidance on how to pursue matters of concern or if, having raised the

concern with the immediate manager/contact, they feel there has not been an appropriate response.

6.5 In the event of a concern being of an extreme and potentially serious nature, individuals may raise the matter directly with the Chief Executive.

6.6 Once an employee is certain that the concern should be raised, the following action should be considered:

- Concerns may be raised verbally or in writing. Employees who wish to make a written report should give the background and history of the concern and the reason why they are particularly concerned about the situation. The earlier concerns are expressed the easier it is to act. A form is available at Appendix 1 of this policy for those wishing to raise a concern in writing.
- If the employee wishes, they may ask for a private meeting with the person to whom they wish to raise the concern with. An employee may take a Trade Union representative or work colleague with them as a witness or for support. The employee should take to the meeting, if possible, dated and signed written supporting statements from anyone who can also confirm the allegations.
- When raising a concern verbally the employee is encouraged to write down any relevant information and date it. Copies of all correspondence and relevant information should be retained.
- The employee should ask the person to whom they are making the concern to what the next steps will be and if anything more is expected of them.

6.7 Although the individual raising the concern is not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

7. How the Council will Respond

7.1 Once a concern is raised the appropriate Council manager is responsible for making initial enquiries, taking advice from Human Resources and/or the Audit Assurance Manager and Counter Fraud Manager to help decide if an investigation is appropriate and if so, what form it should take. In determining the action to be taken, the Council will take into consideration public interest and whether the concerns or allegations fall within the scope of and may be dealt with under other specific procedures such as the Council's Grievance Procedure.

7.2 Concerns raised may:

- Be resolved by agreed action without the need for investigation

- Be investigated by management
- Be investigated by the Audit Assurance Manager and Counter Fraud Team, and/or Human Resources
- Be referred to the Police
- Be referred to the External Auditor

7.3 As soon as possible, and in any case within 10 working days of a concern being raised, the person handling the matter will either write to or email the individual raising the concern acknowledging that it has been raised and indicating how, as far as possible, it will be dealt with. The individual will be kept informed of progress and will receive a full and final response, subject to any legal constraints.

7.4 The amount of contact between the persons considering the issues and the individual(s) raising the concern will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary to pursue investigation activity, the Council will seek further information from the individual. Where any meeting is arranged, the individual may be accompanied by a union or professional association representative or a friend or colleague.

7.5 The Council will take steps to minimise any difficulties which individuals may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive advice and support in doing this.

8. How the Matter can be Taken Further

8.1 This policy is intended to provide individuals with an avenue to raise concerns within the Council. The Council hopes that those using this process will be satisfied with the way their concerns are treated and any investigations that may be carried out. However, if they are not satisfied, or feel it is right to take the matter outside the Council, the following are possible contact points:

- The Council's External Auditor, currently Grant Thornton UK LLP (Tel: 020 7728 2936; email: paul.dossett@uk.gt.com)
- Public Concern at Work (Tel: 020 7404 6609, www.pcaw.co.uk), a registered charity whose services are free and confidential
- The local Citizens Advice Bureau
- Relevant professional bodies, Trade Unions or regulatory organisations

- Unison Whistleblowing Hotline: 0800 597 9750
- The Police
- A solicitor
- The Local Government Ombudsman.

8.2 If individuals do feel it is right to take the matter outside the Council, they will need to ensure that confidential information is not disclosed. Advice and guidance on this issue may be sought from the Audit Assurance Manager and Fraud Team or the Council's Monitoring Officer.

9. Review and Approval of this Policy

9.1 This Policy is owned by the Director of Central Services and Deputy Chief Executive and reviewed by the Audit Assurance Manager on his behalf.

9.2 The Whistleblowing Policy will be reviewed at least annually by the Audit Committee for recommendation to the General Purposes Committee for approval. The most recent review was undertaken in January 2024 with the next review due January 2026.

WHISTLEBLOWING POLICY - REPORT OF A CONCERN

Give a description of the concern including any serious risk to persons or property.

Give details of the information that you have relating to the concern, e.g. what evidence do you have that gives rise to your concern.

Have you previously raised this concern? If so, with whom and what action was taken?

Give details about yourself – Please note you are not required to do so and can make a report anonymously, which will still be considered. However, this can hamper any investigation should further information be required. All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

Name.....

Contact details.....

I understand that this concern is being raised under the Council’s Whistleblowing Policy and have read and understood the Policy.

Signed..... Date.....

Whistleblowing Procedure Speaking Up About Wrongdoing

Document Owner	Adrian Stanfield Interim Chief Executive
Version	Version 2

Version	Reviewed	Reviewer	Approver	Date Approved
Original				
2	08 November 2021	Counter Fraud Manager	Audit Committee	24 January 2022
3	11 December 2023	Counter Fraud Manager	General Purposes Committee Audit Committee	TBC 15 January 2024



1. Introduction

- 1.1. It is important for individuals (employees, agency workers, volunteers and those contractors working on TMBC premises) to have an appropriate means to raise concerns if they believe that something is seriously wrong within Tonbridge & Malling Borough Council.
- 1.2. You may become aware of, or directly witness, situations or conduct that makes you feel uncomfortable, or you regard as inappropriate. The Whistleblowing Procedure provides a means for you to raise concerns about matters not related to your own employment or your work within TMBC but which you feel need to be examined. Examples of the type of matters that could lead to you wishing to raise a whistleblowing concern are:
 - Conduct which is, has been or is likely to be an offence or breach of law
 - Conduct that has occurred, is occurring or is likely to occur the result of which the Council fails to comply with a legal obligation. For example, unauthorised use of public funds, possible fraud and corruption, sexual or physical abuse of clients, or other unethical conduct discrimination of any kind and waste/frivolous expenditure
 - A concern that a TMBC employee (or someone working with us) or a service user may be at risk of being drawn into extremism and terrorism (See para 10.1)
 - Disclosures related to past, current or likely miscarriages of justice
 - Past, current or likely health and safety risks, including risks to the public as well as other employees (see below)
 - Past, current or likely damage to the environment
 - Concerns about any aspect of service provision
 - Other concerns regarding the conduct (including breaches of known standards or TMBC's Standing Orders) of officers or TMBC Members or others acting on behalf of TMBC
- 1.3. This document outlines the process that will be followed in the event of a whistleblowing concern being raised.

2. Other Procedures

- 2.1. This procedure is separate from the Council's Complaints Procedures and other statutory reporting procedures applying to some Directorates. Managers are responsible for making service users aware of these procedures.
- 2.2. Any investigation into allegations of potential malpractice under this procedure will not influence or be influenced by any disciplinary or redundancy procedures that already affect an individual.
- 2.3. Tonbridge & Malling Borough Council's Safety Complaints Procedure should be used to raise any issues, concerns or complaints of a health and safety nature and which are not confidential.

2.4. If, as an employee, you wish to raise a concern regarding issues relating to your own employment TMBC has a Resolution Policy and Procedure that you can use. Further information on these documents can be found on StaffNet.

3. How to Raise a Concern

General

3.1. Concerns can be raised verbally or in writing. A concern should:

- Set out the background and history of the concern, giving names, dates, and places where possible
- Give the reason why you are particularly concerned about the situation

3.2. The earlier a concern is raised the easier it is to act. Although you are not expected to prove beyond doubt the truth of an allegation, you need to demonstrate to the person contacted that there are sufficient grounds for your concern. A trade union or professional association may raise a matter on your behalf.

3.3. If you intend to raise a whistleblowing concern you are encouraged to include your name. If you specifically request for your name not to be released during the examination of your concern, all efforts will be made for this information to remain confidential. However, if you are required to participate in the process as a witness, it may not be possible for your name to be withheld.

3.4. In the event of anonymous allegations being received, this should be sent to one of the Senior Management contact points and/or Internal Audit who will determine whether it is possible and appropriate for the allegations to be examined.

Step One – Raising a Concern

3.5. Whenever possible you should raise your concern with your immediate manager or his/her manager, who can, if needed, seek guidance and advice from one of the Senior Management Contact Points. If this is not appropriate or you feel your concerns are not being addressed, you should approach the following officers and Senior Management contact points who support Corporate Directors according to the nature of the concern:

Directorate	Contact Name	Email
Interim Chief Executive	Adrian Stanfield	Adrian.Stanfield@tmbc.gov.uk
Director of Finance & Transformation	Sharon Shelton	Sharon.Shelton@tmbc.gov.uk
Director Street Scene, Leisure & Tech Services	Robert Styles	Robert.Styles@tmbc.gov.uk

Director of Planning, Housing and Environmental Health	Eleanor Hoyle	Eleanor.Hoyle@tmbc.gov.uk
Chief Audit Executive	Richard Benjamin	richard.benjamin@kent.gov.uk
Counter Fraud Manager	James Flannery	james.flannery@tmbc.gov.uk

Recording Concerns

- 3.6. Each directorate will be responsible for maintaining their own whistleblowing log. Managers who receive a concern should send details to their relevant directorate contact as above. The log will include the area of business that have been affected, a summary of the concerns being raised, action taken and the resulting outcome.
- 3.7. Audit Assurance maintains a central record of whistleblowing concerns. Directorates will be required to provide a copy of their whistleblowing log on a quarterly basis to the Audit Assurance Manager for inclusion into the central log to ensure a complete record is maintained.
- 3.8. Managers that receive Whistleblowing concerns must report the matter to the above departmental contacts and Internal Audit for inclusion on the central record by sending the details to fraud@tmbc.gov.uk with the subject line 'Whistleblowing'.
- 3.9. Tonbridge & Malling Borough Council has an [Anti-Fraud and Corruption Policy](#) and all suspected financial irregularities must be reported to the Audit Assurance Manager.

Whistleblowing Hotline

- 3.10. Audit Assurance is independent and provides objective assurance and consulting activity designed to add value and improve an organisation's operations. If you wish to raise any type of Whistleblowing concern directly with the Audit Assurance Manager (anonymously if necessary) please call the Whistleblowing helpline on [03000 414500](tel:03000414500) or email fraud@tmbc.gov.uk.

Step Two - How Tonbridge & Malling Borough Council will respond

- 3.11. The action TMBC takes will depend on the nature of the concern. The matters raised may:
- Internal investigation by management, the Audit Assurance Manager or via disciplinary or other internal process/es
 - Referral to the Police
 - Referral to the External Auditor
 - The subject of an independent inquiry.

3.12. You will be contacted in writing within ten working days of your concern being raised

- Acknowledging that the concern has been received
- Indicating how the Council proposes to deal with the matter
- Giving an estimate of how long it will take to provide a final response
- Informing you if any initial enquiries have been made
- Whether further investigations will take place and, if not, why not.

3.13. To protect individuals and TMBC, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (e.g., child protection or discrimination issues) will normally be referred for consideration under those procedures.

3.14. An appropriate manager will conduct preliminary enquiries into the matters you have raised. In order to determine whether your concern needs to be formally investigated the manager will seek advice from Human Resources and, where appropriate, safeguarding professionals, Audit Assurance or the Counter Fraud Manager.

3.15. When any meeting is arranged you have the right to be accompanied by a trade union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

3.16. The formal investigation will identify what, if any, action is required to address the concerns you identified via the Whistleblowing Procedure. This may involve disciplinary action against another TMBC employee or the involvement of agencies such as the Police or the External Auditor.

3.17. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

Protection from Reprisals and Victimisation

3.18. Tonbridge & Malling Borough Council does not tolerate reprisals, victimisation or harassment and will take all reasonable action to protect you if you raise a concern via the Whistleblowing Procedure. The Council will treat any reprisals, victimisation or harassment as a serious matter and if this involves a TMBC employee it will be investigated in accordance with the Disciplinary Procedure. In the event of a disciplinary case being found, this could potentially result in the person's dismissal.

Public Interest Disclosure

3.19. Public Interest Disclosure Act 1998 gives employees two safeguards in respect of disclosures of information.

- An employee is entitled not be subjected to any detriment by virtue of having made a protected disclosure.
- The dismissal of any TMBC employee directly due to the individual having made such a disclosure will automatically be unfair

Support

3.20. Tonbridge & Malling Borough Council will take steps to minimise any difficulties you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, TMBC will advise or arrange for you to have advice about the procedure.

3.21. TMBC accepts that you need to be assured that concerns will be properly addressed and, subject to legal constraints, will provide information about the outcomes of any investigations.

Contact

3.22. The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information will be sought.

4. How the Matter can be taken further

4.1. This procedure is intended to reassure you and provide clear information to help you raise concerns in confidence and directly with the Council.

4.2. The Council hopes you will be satisfied with its response. If you are not, or if you feel for any reason, you can't raise the matter directly with TMBC then alternative points of contact points are listed below.

4.3. Please be assured that we would rather you raised a matter with an appropriate regulator or outside body than not at all.

Contact Details (External Organisations)	Details
Grant Thornton (The Council's external auditors)	Address: 30 Finsbury Square, London, EC2A 1AG Tel no. 020 7383 5100
The Local Government and Social Care Ombudsman	Address: PO Box 4771, Coventry, CV4 0EH Email: advice@lgo.org.uk Website: www.lgo.org.uk Tel no. 03000 061 0614
The Equalities and Human Rights Commission	Address: FREEPOST Equality Advisory Support Service FPN4431 Email: correspondence@equalityhumanrights.com Website: www.equalityhumanrights.com Tel no. 0808 800 0082
The Health and Safety Executive (Regional Office)	Address: Health and Safety Executive, International House Dover Place Ashford

	Kent TN23 1HU Website: www.hse.gov.uk Tel no. 0845 345 0055
The Environment Agency (Regional Office)	Address: National Customer Contact Centre PO Box 544 Rotherham S60 1BY Email: enquiries@environmentagency.gov.uk Website: www.environment-agency.gov.uk Tel No. 0370 850 6506
Citizens Advice	Please refer to website for local information Website: www.citizensadvice.org.uk
Police	Please refer to website for local information Website: www.kent.police.uk Tel No. Non emergencies 101
Your local councillors (if you live in Kent)	Website: www.kent.gov.uk
Protect – Free Confidential Whistleblowing advice	Tel No: 020 3117 2520 Website: www.protect-advice.org.uk
Whistleblowing: List of prescribed people and bodies	Website: https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies

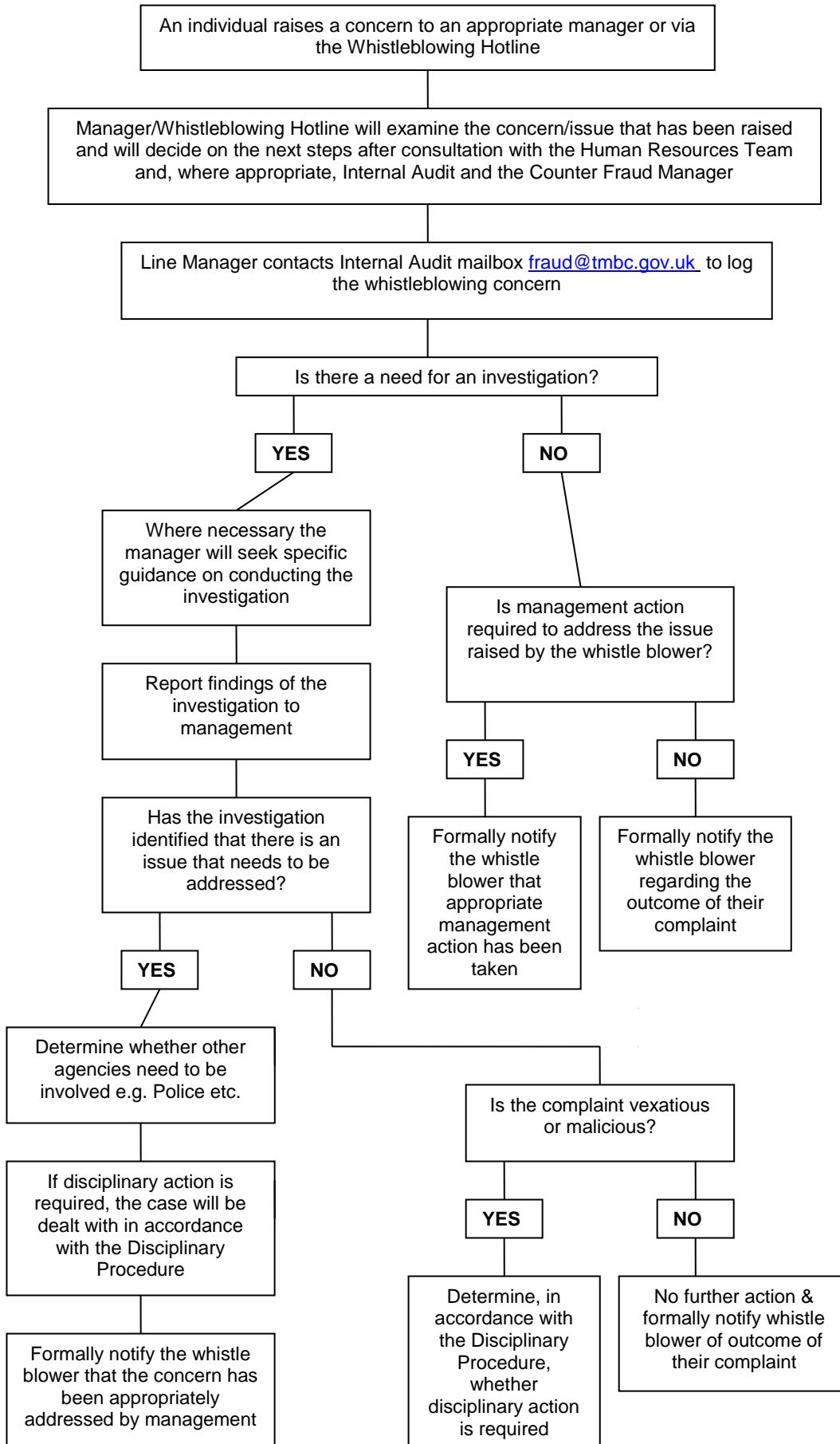
5. Reporting

- 5.1. Anonymised information on the number of referrals, concerns and outcomes will be reported by the whistleblowing policy owner on a yearly basis to the Audit Committee. This is to provide assurance on the communication strategy and current awareness of whistleblowing across the organisation.

6. False or Malicious Allegations.

- 6.1. Disciplinary action will only be taken against individuals who make malicious or vexatious allegations.

Whistleblowing Procedure



Speaking Up About Wrongdoing: Arrangements for the Public



How do I raise a concern?

Ring the Whistleblowing Hotline ☎ [03000 414500](tel:03000414500)

Or

Email / Write

- fraud@tmbc.gov.uk
- Audit Assurance Manager
Tonbridge & Malling Borough Council, Gibson Building, Gibson Dr,
Kings Hill, West Malling ME19 4LZ

Or

Contact a senior officer directly. A list of officers can be found in Annex 1 or on our website or by telephoning Customer Services on 01732 844522

What information should I provide?

- Background and history of the concern.
- Names, dates and places where possible,
- The reason why you are particularly concerned about the situation

You are not expected to prove the truth of your raised concern. You will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

The earlier you express the concern the easier it will be to take appropriate action.

1. Introduction

- 1.1. Tonbridge & Malling Borough Council is committed to the highest possible standards of openness, honesty, integrity and accountability. As part of this commitment, the Council is keen that any activity which falls below these standards is reported to the Council, in order that it can be dealt with promptly. The Council, whilst making every effort to deal fairly and honestly in providing public services, acknowledges that there may be occasions when members of the public suspect that there is or may be something wrong regarding the activities of the Council which needs prompt action to correct it.
- 1.2. The Council recognises the need to encourage anyone with concerns about any aspect of the Council's work to come forward and voice those concerns. Usually, these are easily resolved. However, when these are about unlawful conduct, financial malpractice or dangers to the public, people or the environment, it can be difficult to know what to do. Specific examples could include:
 - A criminal offence (e.g., fraud, theft, bribery, corruption etc.) may have or has been committed
 - A miscarriage of justice has been or is likely to occur
 - The health or safety of an individual has been or is likely to be endangered
 - Public funds are being used in an unauthorised manner
 - The environment has been or is likely to be damaged
 - The Council's own rules have been or are being breached
 - Abuse (e.g., physical or verbal) of someone receiving a council service, or council employee is taking place, and
 - Someone receiving a Council service is being discriminated against (e.g., on the grounds of disability, race, gender).
- 1.3. The Council has created this Policy, 'Speaking Up About Wrongdoing: Arrangements for the Public', specifically to enable you, as a member of the public, to raise your concerns about suspected malpractice at an early stage and in the right way. We would rather that you raised the matter when it is just a concern rather than wait for definite proof. This Policy is intended to encourage and enable you to be able to communicate serious concerns with the council rather than overlooking a problem.
- 1.4. If something is troubling you, which you think we should know about, or consider, please use this policy.

Don't ignore the concern. If in doubt – speak up!

2. Scope and objectives

Scope

2.1. This policy is provided for use by anyone who is not employed by the council (staff have their own policy). This includes any:

- Member of the public
- Elected councillors
- Other local authorities
- Council service:
 - Consultants
 - Contractors
 - Customers
 - Partners
 - Providers
 - Recipients
 - Suppliers

2.2. It is not intended that this policy, and its associated procedures, be used to raise concerns which fall within the scope of other council procedures, where these are available and more appropriate, for example complaints about service delivery (please see the Complaints Procedure on the Council's website).

Objectives

2.3. The objectives of this policy are to encourage you as a member of the public or someone who engages with TMBC to:

- Feel confident about raising serious concerns
- Feel reassured that, if you raise any concerns and reasonably believe them to be true (i.e., "Whistle blow"), your concerns will be taken seriously
- Have a range of ways in which to raise concerns and to receive appropriate feedback on any action taken
- Ensure that you receive an appropriate response from the council to the concerns you have raised and, if not satisfied, show how you may take the matter further if you are dissatisfied with the response.

3. Safeguards

Harassment or victimisation

3.1. The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of possible reprisals. The Council will not tolerate victimisation and will act to prevent this when you raise a concern.

Confidentiality

3.2. The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed (information relating to the investigation will be strictly controlled on a need-to-know basis). However, it is not easy for the Council to act on concerns that are made anonymously. If you ask us for your identity to be kept confidential, we will not disclose it without your consent or unless we are required to do so by a Tribunal, Court of Law or an Act of Parliament. If the situation arises where we are not able to resolve the concern without revealing your identity (e.g. a statement by you may be required as part of the evidence), we will discuss with you whether and how we can move forward.

Concerns raised anonymously

3.3. This policy strongly encourages you to put your name to your concern. Concerns expressed anonymously will be much more difficult for us to consider or to give you feedback. Concerns raised anonymously are much less powerful and less likely to be effective, but they will be considered at the discretion of the Council.

3.4. In exercising discretion, the factors considered will include the:

- Seriousness of the issues raised
 - Credibility and plausibility of the concern
 - Likelihood of confirming the allegation from the available sources.
 - How to raise a concern directly with the council
 - As a first step, you should normally call the Whistleblowing Hotline, 03000 414500.
 - You can also raise your concern directly with the Council's Audit Assurance Manager, the Head of Paid Service, Section 151 Officer, or relevant Senior Manager of the service area involved. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that management of the service area is involved then, alternatively, the following individuals can be contacted.
-
- **Director of Central Services & Interim Chief Executive** – if the wrongdoing is about standards of behaviour
 - **Audit Assurance Manager** - if the wrongdoing is thought to be illegal
 - **Director of Finance & Transformation** – if the wrongdoing is about improper payments
 - **Counter Fraud Manager** – if the wrongdoing is a fraud
 - **Interim Chief Executive** - if the wrongdoing is a children's safeguarding issue
 - **Interim Chief Executive** - if the wrongdoing is an adult safeguarding issue

3.5. Please say if you want to raise the matter in confidence, so the person you contact can make appropriate arrangements.

3.6. Specific contact details for Council officers can be found on our web site www.tmbc.gov.uk or by ringing Customer Services on. Key officer contacts appear in annex one below, along with several external contacts in **[Annex 2]**

3.7. Concerns are better raised in writing. If you choose to do this, you should write:

- An email to fraud@tmbc.gov.uk or,
- A letter to the Audit Assurance Manager, Tonbridge & Malling Borough Council, Gibson Building, Gibson Dr, Kings Hill, West Malling ME19 4LZ

3.8. You are invited to set out:

- The background and history of the concern
- Names, dates and places where possible, and
- The reason or reasons why you are particularly concerned about the situation

If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer.

3.9. Further advice and guidance on what to do if the matter relates to the safeguarding/financial abuse of children or adults can be found in:

- [Protecting children - Kent County Council](#)
- <https://www.kent.gov.uk/leisure-and-community/consumer-protection/Spot-the-signs-of-financial-abuse>
- [TMBC Safeguarding Policy & Reporting Procedure](#)

The earlier you express the concern the easier it will be for the Council to act.

3.10. You are not expected to prove the truth of your concern, but you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

4. How the Council will respond

4.1. The action taken by the Council will depend on the nature of the concern. The matters raised may be:

- Investigated internally
- Referred to the police
- Referred to the council's external auditor; or
- Form the subject of an independent enquiry

4.2. To protect individuals and the Council, initial enquiries will be made to decide what form an investigation should take. Concerns or allegations which fall

within the scope of specific procedures (for example, child protection) will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation.

4.3. Within ten working days of a concern being received, the Council will contact you to:

- Acknowledge that the concern has been received
- Indicate, in overall terms, how it proposes to deal with the matter

4.4. The amount of contact between you and the Council officers considering the issues will depend on the nature of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, they may contact you for further information.

4.5. The Council will take steps to minimise any difficulties which you may experience because of raising a concern.

4.6. The Council accepts that you need to be assured that the matter has been properly addressed and will inform you of the action it is taking or has taken.

5. How the matter can be taken further

5.1. This policy is intended to reassure you and provide clear information to help you raise concerns in confidence and directly with the Council.

5.2. We hope you will be satisfied with its response. If you are not, or if you feel for any reason, you can't raise the matter directly with the Council then possible alternative points of contact points are listed at **[Annex 2]**. Please be assured that we would rather you raised a matter with an appropriate regulator or outside body than not at all.

6. The responsible officer

6.1. The Director of Central Services has overall responsibility for the maintenance and operation of this Policy for the public. The Monitoring Officer will maintain a corporate register of the number and nature of the concerns raised and the outcomes (but in a form which will protect your confidentiality) and will report as necessary to the Chief Executive and the council, where appropriate.

6.2. The policy will be reviewed on a regular basis to ensure that it remains up to date and effective. The review will be carried out by:

- Director of Central Services & Deputy Chief Executive
- Audit Assurance Manager
- Counter Fraud Manager

Responsible Officer: Director of Central Services & Deputy Chief Executive

Date: 11 December 2023
Review Date: January 2026

Annex 1 – List of key contacts

Directorate	Contact Name
Interim Chief Executive	Adrian Stanfield
Director Street Scene, Leisure & Tech Services	Robert Styles
Director of Finance & Transformation	Sharon Shelton
Director of Planning, Housing and Environmental Health	Eleanor Hoyle
Chief Internal Executive	Richard Benjamin
Counter Fraud Manager	James Flannery

Annex 2 – External Contacts

Contact Details (External Organisations)	Details
Grant Thornton The Council's external auditors	Address: 30 Finsbury Square, London, EC2A 1AG Tel no. 020 7383 5100 https://www.grantthornton.co.uk/contact-us/
The Local Government and Social Care Ombudsman	Address: PO Box 4771, Coventry, CV4 0EH E-mail: advice@lgo.org.uk Web: www.lgo.org.uk Tel no. 03000 061 0614
The Equalities and Human Rights Commission	Address: FREEPOST Equality Advisory Support Service FPN4431 Email: correspondence@equalityhumanrights.com Web: www.equalityhumanrights.com Tel no. 0808 800 0082
The Health and Safety Executive (Regional Office)	Address: Health and Safety Executive, International House Dover Place Ashford Kent TN23 1HU : Web: www.hse.gov.uk Tel no. 0845 345 0055
The Environment Agency (Regional Office)	Address: National Customer Contact Centre PO Box 544 Rotherham S60 1BY E-mail: enquiries@environmentagency.gov.uk Web: www.environment-agency.gov.uk Tel No. 0370 850 6506
Citizens Advice Bureau	Please refer to web for local information Web: www.citizensadvice.org.uk/
Police	Please refer to web for local information Web: www.kent.police.uk Tel No. non emergencies 101
Your local councillors (if you live in Kent)	Web site: Your Councillors (tmbc.gov.uk)
Protect – Free Confidential Whistleblowing advice	Tel No: 020 3117 2520 Website: www.protect-advice.org.uk
List of Prescribed People and Bodies	Website: https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies

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TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

24 January 2024

Report of the Interim Chief Executive

Part 1- Public

Delegated

1 REVIEW OF POLLING DISTRICTS AND POLLING PLACES

Following receipt of the final recommendations for the Constituency arrangements, from the Boundary Commission for England, a Polling District & Polling Place Review, has been undertaken to implement any necessary changes to Polling Districts/Places.

1.1 Background

1.1.1 Boundary Commission for England have undertaken a review of Parliamentary constituencies across the UK.

1.1.2 As part of these changes a review of the Polling Districts and Places had to be undertaken. The changes have to be implemented in time for a pending Parliamentary Election.

1.1.3 Following the consultation period this report details the final proposals for the new constituency structure and the Polling Districts/Places/Stations under the new Constituency arrangements. Please see previous General Purposes Committee report dated 11 October 2023 at **Annexe 1**, detailing the process and timetable.

1.2 Consultation Results

12.1 We have received no responses to the consultation that ran from 1 December 2023 – 1 January 2024.

1.3 Final Polling Districts /Places

1.3.1 At **Annexe 2**, is a list of the final Polling Districts/places in each constituency that covers our Borough.

1.3.2 The changes are:-

- the polling district codes and the constituencies that each Polling District sits in.

- The Polling Station for Snodland East and Central has changed from the Devonshire Rooms to Snodland Working Man's club and the polling station for Wouldham has changed from Wouldham All Saints C of E Primary school to Peters Village Hall.

1.3.3 At **Annexe 3** is a map showing the new constituencies and their final Polling Districts/Places.

1.4 Legal Implications

1.4.1 The Representation of the People Act 1983 (as amended) requires borough councils to undertake reviews of polling districts and polling places for each change to Parliamentary boundaries. The Electoral Registration and Administration Act 2013 introduced a change to the timing of compulsory reviews of UK Parliamentary polling districts and polling places.

1.5 Financial and Value for Money Considerations

1.5.1 The cost of this review will be met from existing budgets. Failure to correctly undertake this review could impose considerable financial penalties on the (Acting) Returning Officers due to problems at elections; this would trigger a series of events bringing potential cost and embarrassment to the Council.

1.6 Risk Assessment

1.6.1 The requirements of our electors are essential, and a failure to correctly undertake this review could result in disenfranchising electors or making it more difficult for them to vote.

1.6.2 Any failure in the process or consideration of comments made during the consultation stage could result in the Electoral Commission over-ruling the decisions of the Council.

1.7 Equality Impact Assessment

1.7.1 The selection of polling places takes into account the needs of electors with disabilities and as far as is reasonably practicable, efforts are made to ensure all eligible electors are able to access polling stations. Risk assessments of all polling places have been undertaken, and this includes a series of access questions. Presiding Officers at polling stations also provide feed-back on accessibility of polling stations at elections.

1.8 Recommendations

1.8.1 General Purposes Committee are **RECOMMENDED** to agree the new Polling District/Place structure as set out in this report and **Annexes 2 to 3**.

Background papers:

contact: Daune Ashdown

Annexes 1-3

Adrian Stanfield
Interim Chief Executive

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TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

11 October 2023

Report of the Chief Executive

Part 1- Public

Delegated

1 REVIEW OF POLLING DISTRICTS AND POLLING PLACES

Following receipt of the final recommendations for the Constituency arrangements, from the Boundary Commission for England, a Polling District & Polling Place Review, needs to be undertaken to implement any necessary changes to Polling Districts/Places.

1.1 Background

1.1.1 Boundary Commission for England have undertaken a review of Parliamentary constituencies across the UK.

1.1.2 As part of these changes a review of the Polling Districts and Places has to be undertaken. The changes have to be implemented in time for a pending Parliamentary Elections.

1.2 Definitions

1.2.1 For the avoidance of doubt, it is important to note the following definitions:

1) UK Parliamentary constituencies

The Parliament Constituencies Act 1986 states:

There shall for the purpose of parliamentary elections be the county and borough constituencies (or in Scotland the county and burgh constituencies), each returning a single member, which are described in Orders in Council made under this Act. [...] In this Act and, except where the context otherwise requires, in any Act passed after the Representation of the People Act 1948, "constituency" means an area having separate representation in the House of Commons.'

UK Parliamentary constituency boundaries cannot be changed by this review.

- 2) A **polling district** is a geographical area created by the sub-division of an electoral area, i.e. a UK Parliamentary constituency, a European Parliamentary electoral region, a ward or an electoral division. It is the responsibility of the Borough Council to divide its area into polling districts, and for keeping the polling districts under review.
- 3) In England, each parish is to be a separate polling district. This means that a parish must not be in a polling district which has a part of either a different parish within it, or any un-parished part of the local authority area within it, unless special circumstances apply. Those special circumstances could arise if, for example, the parish has only a small number of electors and it is not practicable for the parish to be its own polling district.
- 4) Any areas that are not co-terminus, within the Parliamentary Constituency boundaries, must be designated a Polling District on their own.
- 5) A **polling place** is a geographical area in which a polling station is located. There is no legal definition of what a polling place is, so the geographical area could be defined as tightly as a particular building or as widely as the entire polling district. However, Section 18B(4)(e) of the RPA 1983 states that 'the polling place must be small enough to indicate to electors in different parts of the district how they will be able to reach the polling station'. It is usual practice, therefore, to designate a particular building or area as the polling place. It is the responsibility of the Borough Council to designate the polling places, and for keeping the polling places under review.
- 6) A **polling station** is the actual room or area where the process of voting takes place and must be located within the polling place designated for the particular polling district. This is usually the room within a building, or a building within an area. The Returning Officer for the particular election must provide a sufficient number of polling stations and allot the electors to those polling stations in such manner as he or she thinks the most convenient.

1.3 Designation of Polling District and Polling Place

1.3.1 Local authorities must comply with the following legislative requirements regarding the designation of polling districts and polling places:

- each parish in England is to be a separate polling district, unless special circumstances apply
- the council must designate a polling place for each polling district, unless the size or other circumstances of a polling district are such that the situation of the polling stations does not materially affect the convenience of the electors

- the polling place must be an area in the district, unless special circumstances make it desirable to designate an area wholly or partly outside the district (for example, if no accessible polling place can be identified in the district)
- the polling place must be small enough to indicate to electors in different parts of the district how they will be able to reach the polling station

1.3.2 Local authorities must also comply with the following access requirements. As part of the review, they must:

- seek to ensure that all electors in in the local authority area have such reasonable facilities for voting as are practicable in the circumstances
- seek to ensure that so far as is reasonable and practicable every polling place for which it is responsible is accessible to electors who are disabled

1.3.3 The council must have regard to the accessibility to disabled persons of potential polling stations in any place which it is considering designating as a polling place or the designation of which as a polling place it is reviewing.

1.3.4 Members are asked to note that the (Acting) Returning Officer is entitled to use free of charge schools maintained or assisted by a local authority as well as those schools that receive grants made out of moneys provided by Parliament. This includes academies and free schools. However, where possible we do try to avoid the use of schools due to the disruption that is caused by their use – to children, staff and parents. In some cases, however, the use of school facilities is unavoidable.

1.4 Formal Review Process and Timetable

1.4.1 The guidance issued by the Boundary Commission for England identifies that the Review must commence in October 2023 and be completed and the changes in place for the next Parliamentary Election, which has to have taken place by January 2025. During that period, there are no statutory limits on the length of consultation nor on the duration of the review as a whole. However, in determining the timetable below I have been mindful of the other competing priorities within Electoral Services, namely:

- The timing of the canvass, starting in July 2023 and completing November 2023 with the publication of the register on 1st December 2023.
- The need to prepare for and ensure new arrangements are in place ready to conduct the PCC Elections in May 2024.
- The changes being made via the Elections Act to Postal Voting, Overseas Electors and EC Citizens voting rights.

1.4.2 When carrying out the review, local authorities must:

- publish a notice of the holding of a review
- consult the (Acting) Returning Officer for every parliamentary constituency which is wholly or partly in its area
- publish all representations made by an (Acting) Returning Officer within 30 days of receipt by posting a copy of them at the local authority's office and in at least one conspicuous place in their area and, if the authority maintains a website, by placing a copy on the authority's website
- seek representations from such persons as it thinks have particular expertise in relation to access to premises or facilities for persons who have different forms of disability. Such persons must have an opportunity to make representations and to comment on the representations made by the (Acting) Returning Officer(s).
- on completion of a review, give reasons for its decisions and publish:
 - a) all correspondence sent to an (Acting) Returning Officer in connection with the review
 - b) all correspondence sent to any person whom the authority thinks has particular expertise in relation to access to premises or facilities for persons who have different forms of disability
 - c) all representations made by any person in connection with the review
 - d) the minutes of any meeting held by the council to consider any revision to the designation of polling districts or polling places within its area as a result of the review
 - e) details of the designation of polling districts and polling places within the local authority area as a result of the review
 - f) details of the places where the results of the review have been published.

1.4.3 The legislation suggests an approach starting with polling districts, followed by choosing polling places and then considering polling stations. In practice, however, it is important that good quality polling places/stations are identified first, which can then be used as part of the process of defining suitable polling district arrangements that comply with the requirements set out in the legislation.

1.5 Electoral Commission Guidance

1.5.1 The Electoral Commission has no role in the review process itself. However, it can consider comments if people do not think the review has met the reasonable

requirements of electors or taken sufficient account of the needs of disabled electors.

1.5.2 The following people can appeal to The Commission:

- a parish council
- 30 or more registered electors
- any person who made comments during the review
- any non-electors who has expertise in access to premises or facilities for disabled people.

1.5.3 As a result, the Electoral Commission may direct the Council to alter polling arrangements arising from the review and can make these alterations itself if the Council does not do so within two months.

1.5.4 Whilst it is unlikely that these steps will be necessary, it is important that the public consultation process is completed and that final boundaries take into account the views presented to this Group.

1.5.5 In addition, the Electoral Commission guidance indicates the following useful non-statutory guidelines:

- Where possible, polling district boundaries should be co-terminus with existing parish ward or borough ward boundaries.
- Where possible “natural” boundaries should be used, such as railways, major roads, waterways.
- All properties in a minor road or estate should be in the same polling district.
- Polling places should be “logical”; that is, electors should not have to pass another polling place to get to their own place, wherever possible.

1.6 Consultation

1.6.1 Throughout the review, all working papers, minutes of meetings, and correspondence will be available for public inspection at the Electoral Services Office. All items will be published when the review has been completed.

1.6.2 The review documents will be published on our website. This will include maps of the proposed Polling Districts are received in other formats (email, letter or telephone call), the details will be transposed onto the consultation portal by electoral services staff to allow final publication at the end of the consultation period.

1.6.3 During the formal consultation period, we will contact the following to invite their comments on the proposed polling districts and polling places:

- Borough councillors
- County Councillors
- Parish councils
- Members of Parliament
- Local political parties
- Tonbridge & Malling Seniors Forum
- Electors, by way of public notices and press releases
- Managers or bookings clerks for current and proposed venues
- Local groups with expertise in accessibility for people with disabilities, including Hi Kent, Kent Association for the Blind, Carers First, Headway, Scotts Project, and Age UK.
- Tonbridge Community Forum

16.4 Please find attached at Annexe 1 a Timetable for the review.

1.7 Legal Implications

1.7.1 The Representation of the People Act 1983 (as amended) requires borough councils to undertake reviews of polling districts and polling places for each change to Parliamentary boundaries. The Electoral Registration and Administration Act 2013 introduced a change to the timing of compulsory reviews of UK Parliamentary polling districts and polling places.

1.8 Financial and Value for Money Considerations

1.8.1 The cost of this review will be met from existing budgets. Failure to correctly undertake this review could impose considerable financial penalties on the (Acting) Returning Officers due to problems at elections; this would trigger a series of events bringing cost and embarrassment to the Council.

1.9 Risk Assessment

1.9.1 The requirements of our electors are essential, and a failure to correctly undertake this review could result in disenfranchising electors or making it more difficult for them to vote.

1.9.2 Any failure in the process or consideration of comments made during the consultation stage could result in the Electoral Commission over-ruling the decisions of the Council.

1.10 Equality Impact Assessment

1.10.1 The selection of polling places takes into account the needs of electors with disabilities and as far as is reasonably practicable, efforts are made to ensure all eligible electors are able to access polling stations. Risk assessments of all polling places are being undertaken, and this includes a series of access questions. Presiding Officers at polling stations also provide feed-back on accessibility of polling stations at elections.

1.11 Recommendations

1.11.1 For General Purposes Committee to note and agree the commencement of this review.

Background papers:

contact: Daune Ashdown

Nil

Julie Beilby
Chief Executive

Annexe 1

**Polling Station and Polling Place Review
Timetable**

Date	Action
11 October 2023	Report to GP to gain permission to start Polling District Review.
October-November	Devise proposals for new arrangements – visit any problem Polling stations.
1 st December 2023	Publish register with existing arrangements. Publish Notice of Review 4 Week Consultation begins
24 th January 2024	Final Proposals to General Purposes Committee
1 st February 2023	Publish new Register with new arrangements in place
1 st March 2024	Timetable for PCC Elections starts
2 nd May 2024	PCC Election

Annexe 2

List of Proposed Polling Districts/Places Chatham & Aylesford Constituency

W_WALD	Ward:	Walderslade - 1 seat	New Reg codes
Reg Code	Polling district	Polling Place (at or near...)	
CAA	Walderslade	Tunbury Hall, 45 Catkin Close, Walderslade, ME5 9HP	CAA
CAB	Walderslade Woods	Tunbury Hall, 45 Catkin Close, Walderslade, ME5 9HP	CAB

W_AYNND	Ward:	Aylesford North & North Downs - 3 seats	New Reg codes
	Polling district	Polling Place (at or near...)	
CBC	Blue Bell Hill Village	Blue Bell Hill Village Hall, 316 Robin Hood Lane, Blue Bell Hill ME5 9QR	CBA
CBB	Aylesford North	Aylesford Community Centre, 25 Forstal Road, Aylesford ME20 7AU	CBB
CBD	Eccles	Eccles Church Hall, 218 Bull Lane, Eccles ME20 7HW	CBC
CBE	Burham	Burham Old School Community Centre, Rochester Road, Bell Lane, Burham ME1 3SF	CBD
CBF	Wouldham	New Station: Peters Village Hall, 8 Tolhurst Close, Wouldham, Rochester, Kent ME1 3AP	CBE

W_LARKF	Ward:	Larkfield - 3 seats	New Reg codes
	Polling district	Polling Place (at or near...)	
CDA	Larkfield North	Larkfield Village Hall, New Hythe Lane, Larkfield ME20 6PU	CCA
CDB	Larkfield South	Church Farm Hall, 198 New Hythe Lane, Larkfield ME20 6ST	CCB

W_SNEHH	Ward:	Snodland East & Ham Hill - 2 seats	New Reg codes
	Polling district	Polling Place (at or near...)	
CEA	Snodland East	New Station: Snodland Working Man's Club, 54-56 Holborough Road, Snodland, Kent ME6 5PB	CDA
CEB	Snodland Central	New Station: Snodland Working Man's Club, 54-56 Holborough Road, Snodland, Kent ME6 5PB	CDB
CEC	Snodland Ham Hill	Snodland Youth and Childrens Centre, Holmesdale Technology College Site, Malling Road, Snodland ME6 5JG	CDC

W_SNWHL	Ward:	Snodland West & Holborough Lakes - 2 seats	New Reg codes
	Polling district	Polling Place (at or near...)	
CFA	Snodland West	Snodland Community Centre, Paddlesworth Road, Snodland ME6 5DP	CEA
CFB	Holborough Lakes	Holborough Lakes Community Centre, Amisse Drive, Snodland ME6 5GN	CEB

Maidstone & Malling Constituency

W_AYNND	Ward:	Aylesford North & North Downs - 3 seats	New Reg codes
	Polling district	Polling Place (at or near...)	
CBA	Aylesford Station	Royal British Legion Community Hall, Hall Road, Aylesford ME20 7NL	MAA

W_AYSD	Ward:	Aylesford South & Ditton - 3 seats	New Reg codes
	Polling district	Polling Place (at or near...)	
CCA	Aylesford South	Royal British Legion Community Hall, Hall Road, Aylesford ME20 7NL	MBA
CCB	Ditton North	K Sports formerly Cobdown Sports And Social Club, Station Road, Ditton ME20 6AU	MBB
CCC	Ditton South	Ditton Community Centre, Kiln Barn Road, Ditton ME20 6AH	MBC

W_BILERY	Ward:	Birling, Leybourne & Ryarsh - 2 seats
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	Polling district	Polling Place (at or near...)	
TAC	Leybourne Village	Leybourne Village Hall, Little Market Row, Leybourne ME19 5QL	MCA
TAD	Leybourne Chase	Leybourne Chase Community Hall, 82 Hawley Drive, Leybourne ME19 5FL	MCB

W_EMWMOF	Ward:	East Malling, West Malling & Offham - 3 seats	
	Polling district	Polling Place (at or near...)	
TDB	West Malling	West Malling Baptist Church, Swan Street, West Malling ME19 6LW	MDA
TDC	East Malling	East Malling Village Hall, New Road, East Malling ME19 6DD	MDB

W_KHILL	Ward:	Kings Hill - 3 seats	
	Polling district	Polling Place (at or near...)	
TEA	Kings Hill North East	Kings Hill Cricket Club Pavillion, 17 Tiffen Way, Kings Hill ME19 4GZ	MEA
TEB	Kings Hill South	Kings Hill Community Centre, 70 Gibson Drive, Kings Hill, ME19 4LG	MEB
TEC	Mereworth Airfield	Kings Hill Community Centre, 70 Gibson Drive, Kings Hill, ME19 4LG	MEC

Tonbridge Constituency

W_BILERY	Ward:	Birling, Leybourne & Ryarsh - 2 seats	
	Polling district	Polling Place (at or near...)	
TAA	Birling	Birling Village Hall, Snodland Road, Birling ME19 5JG	TAA
TAB	Ryarsh	Ryarsh Village Hall, Birling Road, Ryarsh ME19 5LS	TAB

W_BGPLA	Ward:	Borough Green & Platt - 2 seats	
	Polling district	Polling Place (at or near...)	
TBA	Borough Green	Borough Green Village Hall, High Street, Borough Green TN15 8BJ	TBA
TBB	Platt	Platt Memorial Hall, Platinum Way, St Mary's Platt, TN15 8FH	TBB

W_PILIGH	Ward:	Pilgrims with Ightham - 2 seats	
	Polling district	Polling Place (at or near...)	
TCA	Addington	Addington Village Hall, Park Road, Addington ME19 5BQ	TCA
TCB	Trottiscliffe	Trottiscliffe Village Hall, School Lane, Trottiscliffe ME19 5EB	TCB
TCC	Stansted	Stansted Village Hall, Malthouse Road, Stated TN15 7PJ	TCC
TCD	Wrotham	St George's Hall, High Street, Wrotham TN15 7AB	TCD
TCE	Ightham	Ightham Village Hall, Sevenoak Road, Ightham TN15 9HA	TCE

W_EMWMOF	Ward:	East Malling, West Malling & Offham - 3 seats	
	Polling district	Polling Place (at or near...)	
TDA	Offham	Offham Village Hall, Church Road, Offham ME19 5NY	TDA

W_EPWPMW	Ward:	East Peckham, West Peckham, Mereworth & Wateringbury - 2 seats	
	Polling district	Polling Place (at or near...)	
TFA	Mereworth	Mereworth Village Hall, 149 Butchers Lane, Mereworth ME18 5QD	TEA
TFB	West Peckham	West Peckham Village Hall, Church Road, West Peckham ME18 5JJ	TEB
TFC	East Peckham	Curran Hall, East Peckham Methodist Church, Pound Road, TN12 5AU	TEC
TFD	Wateringbury	Wateringbury Village Hall, 147 Tonbridge Road, Wateringbury ME18 5NL	TED

W_BOURNE	Ward:	Bourne - 2 seats	
	Polling district	Polling Place (at or near...)	
TGA	Plaxtol	Plaxtol Memorial Hall, School Lane, Plaxtol TN15 0QD	TFA
TGB	Shipbourne	Shipbourne Village Hall, Upper Green Road, Shipbourne TN11 9PL	TFB

TGC	Hadlow	Hadlow Old School, Maidstone Road, Hadlow TN11 0EH	TFC
TGD	Golden Green	Golden Green Community Hall, Three Elm Lane, Golden Green, Tonbridge TN11 0BD	TFD

W_CGANG Ward: **Cage Green & Angel - 3 seats**

	Polling district	Polling Place (at or near...)	
THA	Cage Green North	St Philip's Church, Salisbury Road, Tonbridge TN10 4PA	TGA
THB	Cage green South	St Saviours Church, Dry Hill Crescent, Tonbridge TN10 3BJ	TGB
THC	Angel	Fisher Hall, Lockside, Tonbridge TN9 1EY	TGC

W_HIGHAM Ward: **Higham - 2 seats**

	Polling district	Polling Place (at or near...)	
TJA	Higham	Methodist Hall, Higham Lane, Tonbridge TN10 4JG	THA

W_HILDEN Ward: **Hildenborough - 2 seats**

	Polling district	Polling Place (at or near...)	
TKA	Hildenborough North	St Johns Church Hall, Foxbush, Hildenborough TN11 9HT	TJA
TKB	Hildenborough South	The Oast Theatre, London Road, Tonbridge TN10 3AN	TJB
TKC	Hildenborough East	The Oast Theatre, London Road, Tonbridge TN10 3AN	TJC

W_JUDD Ward: **Judd - 2 seats**

	Polling district	Polling Place (at or near...)	
TLA	Judd Castle	Council Chamber, Tonbridge Castle, Castle Street, Tonbridge TN9 1BG	TKA
TLB	Judd Central	St Stephens Church Centre, Waterloo Road, Tonbridge TN9 2SW	TKB
TLC	Judd North	Tonbridge Youth Hub, Access via Danvers Road, Tonbridge TN9 1TG	TKC
TLD	Judd South	North Kent College, Brook Street, Tonbridge TN9 2PW	TKD

W_TRENCH Ward: **Trench - 2 seats**

	Polling district	Polling Place (at or near...)	
TMA	Trench North	Six in One Community Centre, Northwood Road, Tonbridge TN10 3HH	TLA
TMB	Trench South	Hugh Christie Technology College, White Cottage Road, Tonbridge TN10 4PU	TLB

W_VAUX Ward: **Vauxhall - 3 seats**

	Polling district	Polling Place (at or near...)	
TNA	Vauxhall East	Hillview School for Girls, Brionne Gardens, Tonbridge TN9 2HE	TMA
TNB	Vauxhall North	The New Telegraph Club, 26 Priory Road, Tonbridge TN9 2AS	TMB
TNC	Vauxhall South	Tonbridge Grammar School for Girls, Deakin Leas, Tonbridge TN9 2JR	TMC

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Agenda Item 10

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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Agenda Item 11

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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Agenda Item 13

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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